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ABSTRACT

The Title IX/Sex Equity training model is designed to assist education personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. This workbook, to be used in conjunction with the trainer manual, provides 15 worksheets for use by administrators in a Title IX workshop on implementing sex equity. The first five worksheets cover such topics as Title IX implementation, the role of the Title IX coordinator, Title IX self-evaluations, and monitoring and problem solving. These are followed by nine worksheets for group analysis of a hypothetical school district scenario. The final worksheet is on the topic of improving Title IX implementation. Eleven appendixes provide suggested answers for the various decision making exercises, a glossary of terms relating to grants and contracts, sources of funding, and a summary of the implementing regulations for Title IX. (TE)

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PARTICIPANT WORKBOOK

IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY: THE ADMINISTRATOR'S ROLE

Prepared by
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April 1980

Adapted/Adopted
From the materials prepared for the
Council of Chief State School Officers'
Title IX Equity Workshops Project
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PREFACE

The Title IX/Sex Equity training model is designed to assist educational personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. The training model was utilized and tested in twenty regional workshops by the Council of Chief State School Officers' (CCSSO) Title IX Equity Workshops Project. This project was funded under contract 300-76-0456 with the Women's Program Staff, U.S. Department of Education.

The training model is designed for all persons who have the opportunity to work with any persons interested in Title IX. Workshop sessions are provided for the following groups:

- Administrators, Title IX coordinators and school board members
- Instructional personnel
- Counseling and pupil services personnel
- Physical activities personnel (physical education and athletics staff)
- Community group members

The session outlines and materials were originally developed by Martha Matthews and Shirley McCune. Martha Matthews' time was partially supported by funds provided by the Ford Foundation. Shirley McCune and Martha Matthews are co-editors of the training manual.

Persons who have authored or contributed to other outlines and materials within the total package include: Linda Stebbins, Nancy Ames and Illana Rhodes (Abt Associates, Cambridge, Mass.); Judy Cusick, Joyce Kaser and Kent Boesdorfer (Resource Center on Sex Roles in Education, Washington, D.C.); Myra Sadker and David Sadker (American University, Washington, D.C.); Barb Landers (California State Department of Education, Sacramento, California); and Janice Birk (University of Maryland, College Park, Maryland).

The CCSSO, the Resource Center on Sex Roles in Education, and the coeditors of the package gratefully acknowledge the assistance and advice of M. Patricia Goins, Project Monitor, Women's Program Staff, U.S. Department of Education and Dr. Leslie Wolfe, Director, Women's Program

Staff, in the implementation of the contract. Grateful acknowledgment is also given to Sarita Schotta, Senior Research Associate, National Institute of Education for monitoring the contract which provided funds for the editing and printing of the field-test materials.

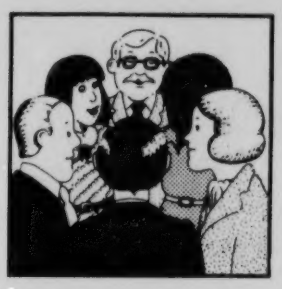
Adaptations in the training materials for Colorado School districts were made by Dr. Martha Fair, Sex-Equity Supervisor for the Colorado Department of Education and Linda S. Doyle, Consultant. The art work and cover design were done by J. J. Jackson at the Colorado Department of Education. Annette Ryan typed the manuals, and Linda Doyle and Lynn Kelly edited the manuals.

Title IX Sex Equity Staff
Equal Education Services Unit
Colorado Department of Education
April 1980

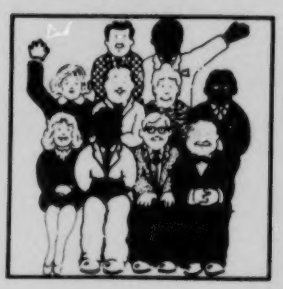
KEY TO DRAWINGS

DRAWING 1: LECTURES OR INTRODUCTORY COMMENTS TO BE PRESENTED BY THE FACILITATOR. "Hip-O-Niner" is the Colorado Title IX Sex Equity mascot.

DRAWING 2: INDIVIDUAL ACTIVITY



DRAWING 3: SMALL GROUP ACTIVITY OR DISCUSSION



DRAWING 4: LARGE GROUP ACTIVITY OR DISCUSSION

SESSION OBJECTIVE

To provide participants with the opportunity to share progress, problems and concerns related to the administration of Title IX compliance efforts.

To provide participants with a review of the five basic compliance procedures required by the Title IX regulation and their significance in continuing Title IX compliance efforts.

To provide participants with the opportunity to consider the role of the Title IX coordinator in their own agencies and some of the ways in which her/his effectiveness might be increased.

To provide participants with the opportunity to consider problems related to the implementation of the Title IX grievance procedure.

To assess and strengthen their skills in identifying problem-prevention steps and actions which can increase the effectiveness of their own Title IX grievance procedures.

To provide participants with a framework for evaluating the strengths and weaknesses of their own institutional self-evaluations under Title IX.

To provide participants with a framework for understanding the monitoring process necessary for management of Title IX compliance activities.

To provide participants with criteria for evaluating the effectiveness of their Title IX compliance activities.

To provide participants with experience in problem solving activities which are related to Title IX compliance.

To provide participants with a procedure for evaluating their styles of problem solving.

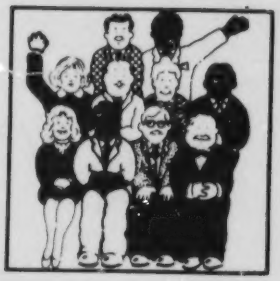
Participant
Worksheet 1

TITLE IX IMPLEMENT: ASSESSING PROGRESS AND PROBLEMS

1. What do you feel has been your area of greatest progress or satisfaction in implementing Title IX?

2. What do you feel has been your area of greatest difficulty or problems in implementing Title IX?

3. Of the five required compliance procedures (notification of nondiscrimination policy; designation of Title IX coordinator; implementation of a Title IX grievance procedure; implementation of a Title IX self-evaluation; submission of compliance assurances), which one have you found most useful in facilitating Title IX implementation? Why?



4. Of the five required compliance procedures, which one have you found least useful in facilitating Title IX implementation? Why?

5. What do you think would be the greatest help to you in the future in facilitating Title IX implementation and achieving sex equity in your schools?

Participant
Worksheet 2

THE ROLE OF THE TITLE IX COORDINATOR

The Title IX regulation requires that every education agency receiving Federal funds designate at least one employee responsible for the coordination of its efforts to comply with Title IX. The effectiveness of this employee, or Title IX Coordinator, is one of the critical elements in the achievement of Title IX compliance and sex equity in any district. When we think of the effectiveness of this individual, we often think primarily in terms of her or his personal attributes. There are, however, a variety of institutional factors which are at least as important as personal attributes in understanding the effectiveness of the Title IX coordinator.

This worksheet is designed to assist you in considering the institutional factors which influence the functioning of the Title IX Coordinator in your district. If you are a school board member or administrator, answer the questions based on your understanding of the role of the Title IX Coordinator in your district. If you are the Title IX Coordinator in your district, answer them from your personal experience.

The worksheet is organized in five sections:

I. Defining the role

II. Analyzing the role

III. Identifying strengths

IV. Identifying improvements

V. Accomplishing improvements

(Note: The Title IX regulation establishes no particular requirements for the responsibilities or authority of the Title IX coordinator. The questions on this worksheet are based on general principles of organizational and personnel administration rather than on legal guidelines.)

I. Defining the Role

What are the responsibilities of the Title IX Coordinator in your school or school district? (Describe or list as many as you can before you turn the page.)

II. Analyzing the Role

The effectiveness of the Title IX Coordinator is influenced by a variety of factors. Consider each of the factors suggested below and answer the questions as they relate to the Title IX Coordinator in your school or school district.

A. Role delineation and communication

1. Is there a written job description for the Title IX Coordinator which clearly specifies the tasks and responsibilities of the job?

2. Have all students and staff been informed of the functions of the Title IX Coordinator and of their responsibilities for assisting or cooperating with the coordinator in fulfilling these functions?

B. Access to authority and information

1. To whom does the Title IX Coordinator report?

2. Does the Title IX Coordinator have full access to the chief executive officer in your district?

3. Are procedures specified for the regular exchange of information between the Title IX Coordinator and the chief administrative officer? If so, what are they?

4. Has the right of the Title IX Coordinator to obtain access to any information necessary to the performance of job responsibilities been clearly specified to all staff?

C. Scope of responsibilities of tasks

1. Does the Title IX Coordinator have responsibility for:

Grievance procedure administration?

Grievance advocacy for:

Students?

Employees?

The Administration?

Grievance resolution or decision making?

Compliance record keeping?

Program development/decision making?

Program recommendations?

Staff training/assistance/communications?

Student or parent interaction/assistance/communications?

Other (specify):

2. Does the Title IX Coordinator have job responsibilities other than those of Title IX Coordination? If so, what are they?

D. Competencies required/support available

1. How would you describe the competencies or skills required by the Title IX Coordinator?

Title IX knowledge:

Administrative competencies:

Interpersonal competencies:

Other:

2. Were these specified as criteria for the selection of the Title IX Coordinator?

3. Has the Title IX Coordinator received any training in these areas?

4. Does the Title IX Coordinator have support from other staff with any of these competencies?

III. Identifying Strength

As you analyze the role and responsibilities of the Title IX Coordinator in your district, what do you see as strengths which have contributed to her/his effective functioning?

A. Strengths related to role delineation and communication:

B. Strengths related to access to authority and information:

C. Strengths related to scope of responsibilities and tasks:

D. Strengths related to competencies required and support available:

As you consider the strengths of your district related to the functioning of the Title IX Coordinator, what suggestions/assistance would you have for other school districts interested in improving the effectiveness and functioning of their Title IX coordinators?

IV. Identifying Improvements

As you analyze the role and responsibilities of the Title IX Coordinator in your district, do you see any improvements which might contribute to her/his effective functioning?

A. Improvements related to role delineation and communication:

B. Improvements related to access to authority and information:

C. Improvements related to scope of responsibilities and tasks:

D. Improvements related to competencies required and support available:

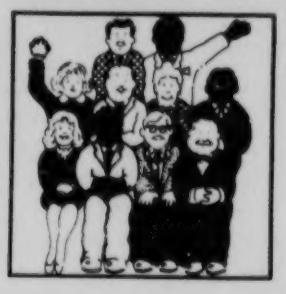
V. Accomplishing Improvements

What steps could be taken to accomplish each of the improvements you have identified?

Participant
Worksheet 3

IMPLEMENTING TITLE IX GRIEVANCE PROCEDURES

The Title IX regulation requires that all education agencies receiving Federal funds adopt and publish a grievance procedure which can provide for the prompt and equitable resolution of student and employee complaints alleging violations of Title IX requirements. In the absence of further Federal specification of standards for the procedure, education agencies have adopted a variety of procedures which demonstrate a wide range of structures and of effectiveness.



The effectiveness of the Title IX grievance procedure can be a critical variable in the implementation of Title IX and the attainment of sex equity. It can serve to:

Provide a mechanism for involving staff and students in the monitoring of Title IX compliance and the correction of sex discrimination

Increase dialogue and mutual problem solving related issues of educational equity among the various staff levels of the education agency

Increase dialogue between the community and the schools related to issues of educational equity

Protect the education agency from Federal investigation and intervention by providing a mechanism for resolution of allegations of Title IX violations and development of necessary corrective and remedial actions at the local level

The purpose of this worksheet is to help you to increase the effectiveness of the Title IX grievance procedure in your district and to implement the procedure in such a way that it can serve the various functions listed above. The worksheet is organized in two parts:

Part One: Implementing Title IX Grievance Procedures--Problem Analysis

This part contains a number of sample problems in grievance procedure implementation and worksheets on which you analyze the problems and identify actions which might prevent them.

(Optional) Part Two: Implementing Title IX Grievance Procedures--Identifying Strategies to Increase Their Effectiveness

This part reviews several of the functions which may be served by a Title IX grievance procedure and provides a structure for identifying strategies which might be used to ensure that a grievance procedure serves these functions.

Part One: Implementing Title IX Grievance Procedures--Problem Analysis

The five situations described below are typical of the problems encountered by many administrators in the implementation of the Title IX grievance procedure. They are problems in which substantive issues of Title IX compliance may be involved (e.g., is the athletics program nondiscriminatory?), but the primary problem in each situation relates to the implementation of the Title IX grievance procedure. The problems involve such issues as: the structure of the grievance procedure; the grievance decision making process; grievance follow-up and monitoring; dissemination of information regarding the grievance procedure and/or grievance decisions and their implications; and training of staff regarding grievance processing, Title IX requirements; and grievance decisions and their implications.

Following the five problem situations, you will find five problem analysis sheets. Please read each situation carefully and fill out the problem analysis sheet which corresponds to each. Be as specific as you can in your answers.

Problem One

Ms. Rivera, the Title IX Coordinator in your district, is upset. During the past week, she has been very busy trying to prepare a summary and analysis of all Title IX grievances filed during the past semester for presentation at the next school board meeting. In the past three days, however, she has had to spend a total of seven hours discussing possible Title IX grievances with two parents and one student, all of whom also wished to discuss problems which were outside the scope of Title IX. Ms. Rivera realizes that parents and students need information on Title IX and the grievance procedure, but feels that providing this information takes up so much of her time that she is having difficulty completing her other work.

Problem Two

Mr. Jenkins teaches metals shop in Lanier High School. He is meeting with the assistant superintendent to discuss his unhappiness with a recent grievance decision regarding participation by females in his program, particularly with that portion of the decision which relates to the use of facilities by female students. The Assistant Superintendent has reviewed the grievance decision and he believes it to be in accordance with Title IX requirements; this is what he tells Mr. Jenkins. Mr. Jenkins states repeatedly that he doesn't understand the reasoning behind the decision, that he feels it isn't workable, and that "teachers never have a say" in things that affect them and their classrooms. He also states that he is considering filing a grievance in the grievance procedure provided in the negotiated agreement between the school district and the teachers' association of which he is a member.

Problem Three

You are the superintendent of a school district which has eight elementary schools, four junior high schools and two senior high schools. You also act as Title IX Coordinator, and as such you are responsible for receiving any Title IX grievances filed. As Superintendent, you are also responsible for deciding these grievances. You have never received a Title IX grievance, but you understand that a citizen's group is considering filing a complaint with the Office for Civil Rights regarding your district's grievance procedure. You wonder why.

Problem Four

As Superintendent, you have just retained a new legal counsel for your school system. One of the first things she requested was a copy of your Title IX grievance procedure and a summary of the grievances filed and grievance decisions made over the past three months. You have just received a memo from her which states that although she thinks that your use of a grievance hearing panel (comprised of one administrator, one teacher and one community member) at the third and final level of the grievance procedure was a good idea for ensuring involvement of various school interest groups, she is concerned about the substance of the panel's decision making. She suggests that

two recent decisions involving competitive athletics are misinterpretations of Title IX requirements and that the district may in fact be in noncompliance.

Problem Five

You are the Title IX Coordinator in your school district. In reviewing the most recent Title IX grievances filed, you notice that four almost identical recent grievances concern discrimination in student behavior codes. You are concerned because the grievances involved the same issue which was resolved in a grievance four months ago. You examine the grievances and you discover that: one grievance is from a student in the same school in which the grievance was resolved four months ago and it appears that the corrective steps agreed upon in that case have not been implemented; and the other three grievances suggest that two other schools involved in these grievances have not received word of the revised district policy.

Problem Analysis--Problem One

How would you describe the nature of the problem?

Is it related to:

_____ The structure of the grievance procedure
_____ The grievance decision making process
_____ Grievance follow-up and monitoring
_____ Dissemination of information regarding the grievance procedure and/or grievance decisions and their implications
_____ Training of staff regarding grievance processing/Title IX
_____ Requirements/grievance decisions and their implications

Reasons for your choice:

How might this problem have been avoided?

Problem Analysis--Problem Two

How would you describe the nature of the problem?

Is it related to:

_____ The structure of the grievance procedure
_____ The grievance decision making process
_____ Grievance follow-up and monitoring
_____ Dissemination of information regarding the grievance procedure and/or grievance decisions and their implications
_____ Training of staff regarding grievance processing/Title IX
_____ Requirements/grievance decisions and their implications

Reasons for your choice:

How might this problem have been avoided?

Problem Analysis--Problem Three

How would you describe the nature of the problem?

Is it related to:

_____ The structure of the grievance procedure
_____ The grievance decision making process
_____ Grievance follow-up and monitoring
_____ Dissemination of information regarding the grievance procedure and/or grievance decisions and their implications
_____ Training of staff regarding grievance processing/Title IX
_____ Requirements/grievance decisions and their implications

Reasons for your choice:

How might this problem have been avoided?

Problem Analysis--Problem Four

How would you describe the nature of the problem?

Is it related to:

_____ The structure of the grievance procedure
_____ The grievance decision making process
_____ Grievance follow-up and monitoring
_____ Dissemination of information regarding the grievance procedure and/or grievance decisions and their implications
_____ Training of staff regarding grievance processing/Title IX
_____ Requirements/grievance decisions and their implications

Reasons for your choice:

How might this problem have been avoided?

Problem Analysis--Problem Five

How would you describe the nature of the problem?

Is it related to:

_____ The structure of the grievance procedure
_____ The grievance decision making process
_____ Grievance follow-up and monitoring
_____ Dissemination of information regarding the grievance procedure and/or grievance decisions and their implications
_____ Training of staff regarding grievance processing/Title IX
_____ Requirements/grievance decisions and their implications

Reasons for your choice:

How might this problem have been avoided?

(Optional)

Part Two: Implementing Title IX Grievance Procedures--Identifying Strategies to Increase Their Effectiveness

The opening page of this worksheet contained a listing of some of the functions which can be served by an effectively implemented Title IX grievance procedure. These include:

> Providing a mechanism for involving all personnel and students in the monitoring of Title IX compliance and the correction of illegal sex discrimination
>
> Increasing dialogue and mutual problem solving related to issues of educational equity among the various personnel levels of the education agency
>
> Increasing dialogue between the community and the schools related to issues of educational equity and educational problems
>
> Protecting the education agency from Federal intervention by providing a mechanism for resolution of allegations of Title IX violations and development of necessary corrective and remedial actions at the local level

A Title IX grievance procedure which serves these functions cannot only help to ensure that an education agency remains in compliance with the law, but can also help to establish patterns and structures of communication which can be utilized in the solution of a variety of problems which may arise in any agency.

These functions are not served by all Title IX grievance procedures automatically; special efforts must be made to ensure that a procedure is implemented in such a way as to make these functions possible.

Each of these functions is listed on the next several pages with space provided below it. Please consider each function and then list the kinds of strategies or action steps which might be taken in implementing a grievance procedure to ensure that it is fulfilled. You may find it

useful to review the problem analyses you've just completed for ideas. You should remember to keep in mind the problem categories used in Part One of this worksheet: the structure of the grievance procedure; the grievance decision making process; grievance follow-up and monitoring; dissemination of information regarding the grievance procedure and/or grievance decisions and their implications; and the training of staff regarding grievance processing, Title IX requirements, and grievance decisions and their implications. You may identify useful action steps related to any of these areas.

Remember to list action strategies and action steps which relate to the implementation of the Title IX grievance procedure.

Function One: Providing a mechanism for involving all personnel and students in the monitoring of Title IX compliance and the correction of illegal sex discrimination

Action strategies/steps which can ensure meaningful involvement of all personnel and students in the Title IX monitoring process:

Function Two: Increasing dialogue and mutual problem solving related to issues of educational equity among the various personnel levels of the education agency (e.g., increasing dialogue between administrators and teachers, administrators and counselors, etc.)

Action strategies/steps which can ensure dialogue between different levels of personnel within the education agency regarding Title IX and educational equity:

Function Three: Increasing dialogue between the community and the schools related to issues of educational equity and educational programs

Action strategies/steps which can ensure school/community dialogue regarding the Title IX grievance procedure:

Function Four: Protecting the education agency from Federal intervention by providing a mechanism for resolution of allegations of Title IX violations and development of necessary corrective and remedial actions at the local level

Action strategies/steps which can ensure the validity of a grievance procedure as a mechanism for identifying and correcting Title IX violations:

Summary

With these functions and strategies in mind, can you identify steps which you should take to improve the effectiveness of the Title IX grievance procedure in your district?

Participant Worksheet 4

EVALUATING YOUR TITLE IX SELF-EVALUATION

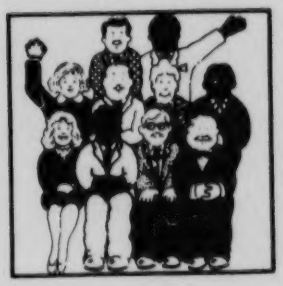
By July 21, 1976, education agencies and institutions receiving Federal funds were required to:

Evaluate their policies, programs and practices for their compliance with Title IX regulation requirements

Modify them as necessary to ensure compliance

Take steps to remedy the effects of any discrimination resulting from identified noncompliance

This process has usually been referred to as institutional self-evaluation.



An effective self-evaluation can provide data and establish procedures which are useful foundations for continuing Title IX implementation and monitoring efforts. This worksheet is designed to help you evaluate your self-evaluation to assess its usefulness as a base for continuing efforts or to identify ways in which you might improve it at this time. The worksheet is organized within six sections:

Your Knowledge of the Self-Evaluation

Your Self-Evaluation--The Content

Your Self-Evaluation--The Process

Your Self-Evaluation--Follow-Up and Monitoring

Your Self-Evaluation--Its Strengths

Your Self-Evaluation--Making Improvements

If you are not sure of the answer to any question, place a "?" in the right hand margin.

(Note: The Title IX regulation establishes no particular requirements or standards for the self-evaluation other than that it should include the three components listed above. The questions in this worksheet are based on general principles of evaluation, rather than on legal guidelines.)

Your Knowledge of the Self-Evaluation

1. To the best of your knowledge, has your district completed a self-evaluation to identify and correct any sources of possible noncompliance with the requirements of the Title IX regulation?

   Yes_____ No_____

2. Have you seen a copy of the self-evaluation or of the description of modifications and remedial steps taken as a result of the self-evaluation process?

   Yes_____ No_____

3. Were you involved in the self-evaluation in any way?

   Yes_____ No_____

   If yes, did you:

   Design/assist in designing the evaluation _____

   Provide information? _____

   Evaluate/assist in identifying modifications or remedial steps? _____

4. How would you describe the general quality of the self-evaluation? (Consider its comprehensiveness; the accuracy of its evaluation criteria; the accuracy of the data supplied, etc.)

5. Was participating in/reviewing the self-evaluation a useful experience to you?

   Yes_____ No_____

   Why or why not?

Your Self-Evaluation--The Content

1. Does your self-evaluation specifically cover:

	Yes	No
Student access to courses:		
Course admissions requirements?	___	___
Graduation requirements?	___	___
Disproportionate course enrollments?	___	___
Vocational education?	___	___
Physical education?	___	___
Counseling:		
Programs?	___	___
Materials?	___	___
Tests and instruments?	___	___
Student treatment:		
Behavior and dress code?	___	___
Extracurricular activities?	___	___
Employment assistance?	___	___
Health services/insurance benefits?	___	___
Policies, programs and practices related to student marital or parental status?	___	___
Athletics and competitive sports:		
Student activities and programs?	___	___
Personnel practices?	___	___
Financial assistance to students?	___	___
Employment policies and practices related to:		

	Yes	No
Recruitment/selection?	___	___
Promotion, tenure, layoff, application of nepotism policies?	___	___
Rates of pay; extra duty compensation?	___	___
Job assignments and classification?	___	___
Fringe benefits?	___	___
Leaves of absence, including childrearing leave?	___	___
Terms of collective bargaining agreements?	___	___
Certified staff (by specific position)?	___	___
Classified staff (by specific position)?	___	___

2. Does your self-evaluation clearly specify the documents, publications, etc., which were examined during the review process, and does it indicate the criteria used in examining each? ___ ___

3. Does your self-evaluation include objective data to support its conclusions, e.g.:

List of course enrollments by sex?	___	___
Description of athletic programs by sex?	___	___
Surveys of student athletic interests?	___	___
Analysis of disciplinary actions by sex over a specified period of time?	___	___
Listing of counselors and counseling instruments used, with information on male/female norms, scales, etc.?	___	___

	Yes	No
Other (please list)	___	___
_____		
_____		
_____		
4. Does your self-evaluation clearly specify actions taken/to be taken when possible noncompliance is identified:		
Corrective actions?	___	___
Remedial steps?	___	___

Your Self-Evaluation--The Process

1. Are the procedures and criteria used in the self-evaluation clearly specified?	___	___
2. Are the persons involved in the design of the self-evaluation clearly specified?	___	___
Did they include:		
Staff with responsibilities in each of the areas evaluated?	___	___
Students?	___	___
Community members?	___	___
Persons with expertise on Title IX?	___	___
3. Are the persons from whom information was requested clearly specified?	___	___

	Yes	No
Did they include:		
Persons with diverse responsibilities and levels of responsibility in each of the areas evaluated?	___	___
Administrators?	___	___
Instructional/counseling staff?	___	___
Classified staff?	___	___
Persons representing the various schools in the district?	___	___
Students?	___	___
Community members?	___	___
Persons with expertise on Title IX?	___	___
4. Are the persons responsible for analyzing the information clearly specified?	___	___
Did they include:		
Persons with diverse responsibilities and levels of responsibility in each of the areas evaluated?	___	___
Administrators?	___	___
Instructional/counseling staff?	___	___
Classified staff?	___	___
Students?	___	___
Community members?	___	___

	Yes	No
Persons with expertise on Title IX?	___	___
5. Were all concerned persons in the district notified of the self-evaluation and invited to submit any information they considered relevant?	___	___

Your Self-Evaluation--Follow-Up and Monitoring

1. When corrective or remedial steps were required were timeliness and staff responsibilities for their implementation clearly specified?	___	___
Were staff responsibilities for monitoring of these steps clearly specified?	___	___
Have all specified steps been implemented according to the appropriate timeliness?	___	___
2. Are periodic updates of the self-evaluation planned or conducted?	___	___
3. Is your self-evaluation or a record of modifications and remedial steps available for review and comment by interested persons?	___	___

Your Self-Evaluation--Its Strengths

1. Based on your answers so far, what do you see as the strengths of your self-evaluation in facilitating Title IX compliance in your district?

Strengths related to content:

Strengths related to process:

Strengths related to follow-up and monitoring:

2. Based on your experience, what suggestions/assistance would you have for other school districts interested in improving their Title IX self-evaluation?

Your Self-Evaluation--Making Improvements

1. Based on your answers so far, do you see any ways of improving your self-evaluation to increase its usefulness in your district?

   Improvements in content:

   Improvements in process:

   Improvements in follow-up and monitoring:

2. Is there any further information which would be helpful to you in considering or improving your self-evaluation?

Participant
Worksheet 5

IMPROVING MY SKILLS IN MONITORING AND PROBLEM SOLVING

Two conditions which are essential for Title IX implementation are the maintenance of effective monitoring systems and the capability for effective problem solving. The following worksheet is designed to assist you in evaluating your skills in Title IX related to monitoring and problem solving. Please read through each of the questions and answer them in terms of your appraisal of your skills.

Data Collection

To what degree do you systematically collect information related to sex discrimination and sex bias and to what degree are the procedures/programs being used for Title IX implementation and the attainment of sex equity?

Do you collect data from an adequate number of sources?

1	2	3	4	5
Seldom		Sometimes		Frequently

Do you collect data from sources representing varying points of view?

1	2	3	4	5
Seldom		Sometimes		Frequently

Do you identify data needs and make deliberate efforts to collect information?

1	2	3	4	5
Seldom		Sometimes		Frequently

Do you collect data on a continuing or periodic basis?

1	2	3	4	5
Seldom		Sometimes		Frequently

Data Analysis

Do you systematically make an effort to analyze information according to specified criteria and/or request such services from others?

Do you establish a framework of goals and objectives for evaluating information?

1	2	3	4	5
Seldom		Sometimes		Frequently

Do you request/review others (staff, governance, etc.) to collect and/or analyze information related to Title IX implementation or related issues?

1	2	3	4	5
Seldom		Sometimes		Frequently

Do you develop personal analysis of data and identify needs which should be treated?

1	2	3	4	5
Seldom		Sometimes		Frequently

Identification of action alternatives

Do you systematically identify action alternatives and select them to fit the requirements of the situation?

Do you consider the full range of action alternatives that could be taken?

1	2	3	4	5
Seldom		Sometimes		Frequently

Do you analyze the unique requirements of the situation?

1	2	3	4	5
Seldom		Sometimes		Frequently

Do you consider the combination of actions which need to be taken?

1	2	3	4	5
Seldom		Sometimes		Frequently

Knowledge of the Regulation

To what degree do you have a working knowledge of the Title IX regulation and its application to educational policies, programs and practices?

1	2	3	4	5
Seldom		Sometimes		Frequently

Ability to Identify Information Needs

To what degree are you able to review problems and determine the information needed for effective problem solving?

1	2	3	4	5
Seldom		Sometimes		Frequently

Identification of Action Alternatives

To what degree are you able to identify appropriate action alternatives which may be taken to solve Title IX-related problems?

1	2	3	4	5
Seldom		Sometimes		Frequently

Ability to Select Effective Solutions

To what degree are you able to select appropriate courses of actions and make decisions which are appropriate for the requirements of the situation?

1	2	3	4	5
Seldom		Sometimes		Frequently

Action Steps

After reviewing your skills in monitoring Title IX-related activities and dealing with day-to-day problems, what are:

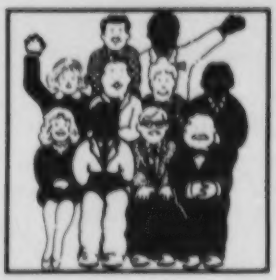
Your major strengths?

Your major weaknesses?

Steps to take?

Participant
Worksheet 6

IT'S UP TO YOU - - TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS



Dr. Pat Norris, superintendent of Fernwood schools, has had six years of experience in Fernwood and is known as a fair, effective administrator. Dr. Norris is committed to improving Fernwood schools and has been particularly interested in continuing staff development for all district employees.

During the past five years several members of the administrative staff have observed the passage of Title IX, and the development of the regulation; and they have taken a variety of actions to implement Title IX. They are pleased with the progress that has been made toward Title IX compliance, but are also concerned about the problems which are still evident.

A collection of the memos and letters relating to Title IX which have come to Dr. Norris' desk during the past six months is provided in the following pages. Read each of them carefully, then determine the actions which should be taken to deal with the problem. You may make notes of your responses on the sheet which follows each memo or letter.

You will be asked to discuss your responses in a small group and come up with a group answer to the questions on the worksheets. A group consensus form is provided following all the items and worksheets. Please use this form to record your group's answer to one of the items.

Participant
Worksheet 7

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

TO: Dr. Norris

FROM: Assistant Superintendent Vernon Casey

RE: Teaching and Counseling Staff

During the past few months I have received more than 20 complaints from students regarding the pressures that counselors and teachers place on them discouraging their enrollment in vocational education classes which are nontraditional for their sex. Although notification has been sent to every member of the instructional and counseling staffs that reduction of the sex disproportionate enrollments is a goal of the district vocational educational programs, it appears that some personnel are not facilitating progress toward this goal.

I am recommending that disciplinary actions be taken against those who are exerting such pressures. Is this consistent with your thinking? Do you have other suggestions for dealing with the problem?

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

Vernon Casey--Individual Analysis

1. What are the implications of Title IX for this problem?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

Policy development/clarification/ communication	_____
Study or investigation	_____
Staff Training	_____
Community involvement	_____
Program development/modification	_____
Budget allocation	_____
Disciplinary action	_____
Other (please specify)	
_____	_____

4. What specific alternatives are available for problem resolution?

5. Which alternative(s) would you select and why?

Participant
Worksheet 8

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

TO: Dr. Norris

FROM: Sharon Findley, Principal
Northwood High School

RE: Personnel Policies

Four months ago I made application for the position of Assistant Superintendent for Curriculum which had been posted. My application was processed and I was recently interviewed by Mr. Gray, Director of Personnel, and a committee of board members and central office staff.

During the interview I was asked questions such as:

. Did my husband support my taking on additional responsibility?

Would I be willing to work the extra time that would be necessary to complete the rigorous requirements of the job?

Did I really understand management or had I relied on Mr. Knopman, the Assistant Principal of Northwood High School, for much of the direction of our administrative activities?

Would I be able to ensure adequate care for my children if I were working in a job which required longer hours?

Although no announcement has been made as to the selection for this position, I believe that many members of the committee were biased in their consideration of a woman in this position and that, in fact, many of the questions asked me were illegal.

At the present moment I have no ideas as to a course of action which I might pursue, but I think that it is important that you know the facts of this case in order that some action may be taken to prevent this type of problem in the future.

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

Sharon Findley--Individual Analysis

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

Policy development/clarification/ communication	_____
Study or investigation	_____
Staff training	_____
Community involvement	_____
Program development/modification	_____
Budget allocation	_____
Disciplinary action	_____
Other (please specify)	
_____	_____

4. What specific alternatives are available for problem resolution?

5. Which alternative(s) would you select and why?

Participant
Worksheet 9

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

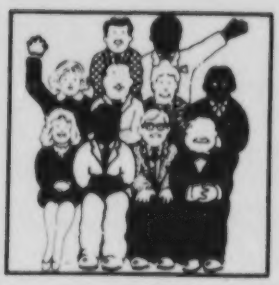
TO: Dr. Norris

FROM: Tomas Ortega
Counselor, Bryant Senior High School

RE: Need for new counseling materials

One of the major findings of the Title IX self-evaluation committee for counseling services was the fact that the majority of the career counseling materials in use in Fernwood are very sex stereotyped. Most show almost no girls in career positions and several go so far as to say that the most important career for any woman is marriage and motherhood.

The committee recommended almost one year ago that funds be made available for the purchase of materials dealing with careers for girls and women. The counseling department budget for next year has no item for the purchase of these materials. Dr. Van Horne, the director of counseling services, has told the self-evaluation committee that all materials procurement money must go to buy other materials.



We on the committee are disturbed that we are not providing good career counseling services to girls and that the Fernwood schools may be in violation of Title IX.

We would like to discuss this matter with you at your convenience.

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

Tomas Ortega--Individual Analysis

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

Policy development/clarification/ communication	_____
Study or investigation	_____
Staff training	_____
Community involvement	_____
Program development/modification	_____
Budget allocation	_____
Disciplinary action	_____
Other (please specify)	
_____	_____

4. What specific alternatives are available for problem resolution?

5. Which alternative(s) would you select and why?

Participant
Worksheet 10

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

TO: Superintendent Norris

FROM: Robert Welsh, Esquire

RE: Examination of possible sex discrimination in the contract between Fernwood District Schools and Fernwood teachers

At your request I have reviewed the terms of the contract between the Fernwood District Schools and the Fernwood Teachers Association in an effort to identify any provisions which may be discriminatory. One clause appears to be discriminatory:

Section H - Salary Increments; Clause 4-Increments for Athletics Personnel

The contract states that male coaches are eligible for a 5-1/2 percent increment for the 77-78 year and that female coaches are eligible for a 4-1/2 percent increment during the same period of time.

I would like to discuss this with you in greater detail in the near future.

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

Robert Welsh--Individual Analysis

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

Policy development/clarification/ communication	_____
Study or investigation	_____
Staff training	_____
Community involvement	_____
Program development/modification	_____
Budget allocation	_____
Disciplinary action	_____
Other (please specify)	
_____	_____

4. What specific alternatives are available for problem resolution?

5. Which alternative(s) would you select and why?

Participant
Worksheet 11

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

TO: Superintendent Norris

FROM: Jerri Dickinson
Home Economics Department

RE: Use of Sewing Machines

It has been the policy of the home economics department to make sewing machines available to students after school for the completion of their sewing projects. Until this year the majority of students using the machines have been females who have had considerable experience with the use of sewing machines.

Since the introduction of the Survival course this fall, a number of male students have used the machines after school hours. This has created continuing problems of machine maintenance. Numerous needles have been broken, threads have been found jammed in the bobbin holders and excessive oil has soiled the garments of subsequent users.

It would appear to me that we are going to have to restrict use of the machines after school hours to female students only. I understand, however, that this might be illegal.

Do you have any suggestions?

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

Jerri Dickinson--Individual Analysis

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

Policy development/clarification/ communication	_____
Study or investigation	_____
Staff training	_____
Community involvement	_____
Program development/modification	_____
Budget allocation	_____
Disciplinary action	_____
Other (please specify)	
_____	_____

4. What specific alternatives are available for problem resolution?

5. Which alternative(s) would you select and why?

Participant
Worksheet 12

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

Superintendent Norris
Fernwood Community Schools
Fernwood, Oklahoma

Dear Dr. Norris:

We are juniors at Fauquier High School. We are writing to complain about the sports programs offered to girls.

Fauquier has girls' interscholastic teams in basketball, field hockey, tennis and gymnastics, but we don't have teams in track, swimming or baseball, even though the boys do. We don't think this is fair.

We have talked to Mr. Neeto, the athletics director about this, and he said he is sorry but that there is nothing more that he can do. We think that the school must permit girls to compete in these sports. We have talked to our parents and they agree.

Sincerely,

Anne Brosh

Benessa Jackson

Julie Gonzalez

Karen Pickering

Elma Carpenter

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS

Ann Brosh et al.--Individual Analysis

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

Policy development/clarification/ communication	_____
Study or investigation	_____
Staff training	_____
Community involvement	_____
Program development/modification	_____
Budget allocation	_____
Disciplinary action	_____
Other (please specify)	
_____	_____

4. What specific alternatives are available for problem resolution?

5. Which alternative(s) would you select and why?

Participant
Worksheet 13

TITLE IX DECISION MAKING IN FERNWOOD SCHOOL:
CONSUELO NOETH

TO: Dr. Norris

FROM: Consuelo Noeth, Title IX Coordinator

RE: Report of Title IX Grievances in Fernwood Schools

This report is to provide an update on Title IX grievances which have been handled during the six-month period between September 1976 and March 1, 1977.

Number of grievances filed	64
Number of grievances resolved before formal hearings	27
Number of grievances heard at Level I	17
Number of grievances heard at Level II	9
Number of grievances heard at Level III	2
Number of grievances dropped	7
Number of grievances pending	2
Total	64

An analysis of the grievances indicates that 40 grievances involved secondary school students, 12 involved elementary school students and 12 involved school district employees.

The areas in which student grievances were filed include:

Secondary Schools

Access to vocational education classes	15
Access to physical education classes	2
Differences in competitive sports programs	13
Scheduling of programs for pregnant students	2
Access to extracurricular activities	3
Differential dress codes	5

Elementary Schools

Lack of notification of policy	6
Access to playground facilities	4
Differential classroom activities	2

Employment

Unequal pay for equivalent work	8
Discrimination in promotion	2
Denial of leave	2

Examination of the number of grievances filed by schools indicates that 82 percent of the complaints were filed within four of the 27 schools in the district.

Participant
Worksheet 14

TITLE IX DECISION MAKING IN FERNWOOD SCHOOLS: GROUP CONSENSUS SHEET

Please use this sheet to record the responses which are the consensus of your small group regarding one of the in-basket problems presented. (Other members of the small group should make similar sheets on the other problems.)

Problem: _____
(name of person submitting memo/letter)

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

Policy development/clarification/ communication _____

Study or investigation _____

Staff training _____

Community involvement _____

Program development/modification _____

Budget allocation _____

Disciplinary action _____

Other (please specify)

_____ _____

4. What specific alternatives are available for problem resolution?

5. Which alternative(s) would you select and why?

Participant
Worksheet 15

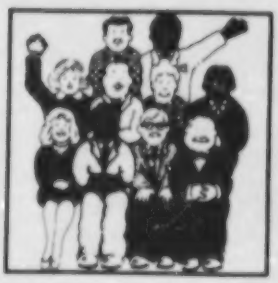
IMPROVING TITLE IX IMPLEMENTION

During the session you have been exposed to a number of concepts and strategies regarding the intent of Title IX and its implementation. On the basis of the information gained today, please answer the following questions:

1. On the basis of information obtained during the workshop, I believe that Title IX implementation in our district could be described as:

Little or uneven implementation	Basic procedural implementation	Major programmatic implementation	Full implementation

2. The information I need to collect regarding Title IX implementation in my district is:



3. The person(s) from whom I need to collect this information are:

4. The most important actions which I can take to increase Title IX implementation in my district are:

5. The things I need to do to accomplish this action when I return home are:

6. The assistance I need to increase Title IX implementation is:

7. The persons/places where I can obtain this assistance are:

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APPENDIX A

IMPLEMENTING TITLE IX GRIEVANCE PROCEDURES: SUGGESTED ANSWERS

Part One: Implementing Title IX Grievance Procedures--Problem Analysis Sample Analyses

Problem One

Nature of the problem:

The problem relates primarily to the dissemination of information regarding the grievance procedure--its coverage and its purposes--and the Title IX requirements.

No systematic methods of disseminating information on Title IX requirements, the Title IX grievance procedure and Title IX implementation efforts to students or parents appear to have been implemented. For Ms. Rivera to provide all such information on a one-to-one basis is too time consuming in view of her other Title IX related responsibilities.

The problem might have been avoided by:

More complete initial notification to students and parents of the particular rights protected by Title IX and the coverage and purposes of the Title IX grievance procedure

Development and distribution to interested persons of a pamphlet or brochure regarding Title IX requirements and the coverage of the Title IX grievance procedure

Implementation of monthly or bi-monthly evening meetings on Title IX progress, problems and concerns, during which parents may come to ask questions and receive reports regarding Title IX rights and implementation efforts

Designation of several additional grievance representatives, who, under supervision of the Title IX coordinator, provide basic information on Title IX and the grievance procedure to interested parents and students

Problem Two

Nature of the problem:

The problem seems to be related to three issues: the grievance decision making process, grievance follow-up and training of staff regarding Title IX requirements and grievance decisions and their implications.

There seems to be a perception on Mr. Jenkin's part that Title IX compliance procedures and grievance decision making are "administrators' problems" which work to the detriment of teachers, rather than the legal and educational responsibility of all school district employees. He is required to implement Title IX compliance procedures which he says he does not understand and which he does not feel are appropriate to his situation.

The problem might have been avoided by:

Providing inservice training on Title IX requirements and their implications for instructional personnel to all teachers

Involving teacher representatives from major instructional areas (e.g., vocational education) in the implementation of relevant portions of the institutional self-evaluation and the development of appropriate corrective actions

Involving teacher representatives in a grievance hearing panel or advisory committee on grievance resolutions

Involving persons affected by a grievance decision in grievance follow-up meetings to assist them in understanding and implementing the grievance decisions or in developing the corrective measures which best fit their programs and ensure nondiscrimination and appropriate remedial actions

Implementing periodic meetings between teachers and the Title IX coordinator to discuss teacher concerns related to Title IX (these could be provided within the agenda of regular teachers' meetings)

Problem Three

Nature of the problem

The problem relates to the structure of the grievance procedure and to the grievance decision making process.

The district's Title IX grievance procedure is not used, and it is apparently not perceived by the community as a procedure which offers a viable method of problem presentation and resolution. This probably stems from two sources.

1. Because the superintendent is the sole and final authority for grievance decision making, the structure of the procedure provides no progressive appeals mechanism, and there is no apparent assurance that the grievance decision will be made by a person who is not primarily involved in its outcome.

2. Because the superintendent is the only person designated to receive grievances when filed, students and employees may find it difficult and intimidating to file their grievances at the central administrative office.

The problem might have been avoided by:

Designing a grievance procedure which provides several different levels of grievance considerations, e.g.: step one--the building principal; step two--the central administration (superintendent or assistant superintendent); step three--the school board or designated hearing panel. (Such a procedure provides progressive levels of appeal and helps to ensure that the grievance may be considered by a variety of persons with varying perspectives and degrees of involvement in the grievance resolution.)

Designating representatives who can receive Title IX grievances in each school building in the district.

Problem Four

Nature of the problem:

The problem concerns two interrelated issues: the grievance decision making process and the training of staff (and of the community hearing panel member) regarding grievance processing and Title IX requirements.

A grievance decision maker can only be effective if she/he has a good working understanding of the Title IX regulation and its implications. A grievance hearing panel is an extremely useful method of providing relatively neutral grievance decision making and ensuring that a variety of groups are involved in the grievance decision making process. Such a panel can represent a variety of perspectives in the decision making process and can assist in the interpretation of grievance decisions to their varying constituencies. However, it can only be effective in protecting both the school district and its students and employees from violations of Title IX when its members are trained in or knowledgeable of Title IX requirements and the kinds of steps which may be necessary to correct and remedy any identified violations.

(The secondary problem, the district's possible noncompliance with Title IX requirements for nondiscrimination in athletics, is partially a by-product of this fundamental problem. Although the district must certainly take steps to correct and remedy this noncompliance, it is critical that steps be taken to minimize the possibility of inaccurate grievance decision making in the future.)

The problem might have been avoided by:

Providing mandatory training for all panel members regarding Title IX requirements and grievance decision making

Providing a grievance hearing panel its own budget allocation with which to obtain expert legal counsel when necessary (counsel which is not directly retained by the school administration or governance board)

Problem Five

Nature of the problem:

The problem seems to relate to two areas of grievance procedure implementation: grievance follow-up and monitoring and the dissemination of information regarding grievance decisions and their implications.

The problem appears to have two primary aspects:

1. Monitoring efforts necessary to ensure implementation of the corrective steps required under the first grievance decision were apparently not undertaken (thus the Title IX coordinator discovers four months later that the identified discrimination still exists).

2. There appears to have been no efforts made to communicate the results of the first grievance decision to persons not directly involved in that grievance, particularly to relevant persons in other schools throughout the system (where almost identical grievances were filed from two other schools).

The problem might have been avoided by:

Instituting a follow-up and monitoring system to ensure that all grievance decisions are implemented in a timely and effective fashion (such a system might include required submission and specified information by the person(s) responsible for implementing corrective and remedial action; surveys to grievants; direct observations by the Title IX coordinator, etc.)

Instituting a grievance decision reporting system to inform all necessary staff and interested persons of grievance decisions and their implications for school policies, programs, procedures and practices (such a system might involve periodic written reports, periodic briefings, etc.)

Part Two: Implementing Title IX Grievance Procedures--Identifying Strategies to Increase Their Effectiveness

Function One: Providing a mechanism for involving all personnel and students in the monitoring of Title IX compliance and the correction of illegal sex discrimination

If a Title IX grievance procedure is to serve this function, it is critical that all personnel and students have access to information regarding Title IX requirements and the Title IX grievance procedure. It is to the advantage of the education agency to promote such involvement as a means of ensuring that discrimination is identified and corrected as expeditiously as possible.

Action strategies/steps:

Inclusion of information on Title IX requirements and the Title IX grievance procedure in all personnel handbooks and student handbooks

Development of a brochure regarding Title IX requirements and the Title IX grievance procedure; one-time dissemination to all personnel and students, dissemination thereafter upon request and to all new personnel and students

Development and dissemination of a periodic Title IX newsletter with information regarding Title IX grievance procedures and revisions in agency policies, programs, procedures and practices undertaken as a result of grievance decisions

Implementation of periodic Title IX briefing and question/answer sessions for interested personnel and students

Implementation of training on Title IX requirements and agency compliance efforts for key leaders of various personnel and student groups

Implementation of periodic surveys of personnel and students to assess their knowledge of Title IX requirements and of the Title IX grievance procedure, its use and its purpose

Designation of Title IX grievance representatives in all school buildings who can provide personnel and students with basic information regarding Title IX requirements and the use of the Title IX grievance procedure

Review of all Title IX grievance forms to ensure that they are simple to use and comprehensible to all personnel and students

Opening of grievance records (with names and identifying information removed) to interested staff and students

Inclusion in the Title IX grievance procedure of methods for informal discussion of Title IX-related issues at the pregrievance stage

Function Two: Increasing dialogue and mutual problem solving related to issues of educational equity among various personnel levels of the education agency

If Title IX grievance resolutions are to be effectively implemented, it is important that the variety of persons who may be affected by any resolution are involved in its formulation or receive thorough information about the resolution and an opportunity to comment on its workability. A Title IX grievance procedure which provides such involvement or opportunity can also serve to increase the general level of communication and dialogue between various levels or groups of personnel within the education agency.

Action strategies/steps:

Involving representatives of various groups or levels of personnel (teachers, counselors, classified staff, etc.) in a review of the Title IX grievance procedure and in the suggestion of appropriate modifications

Reviewing the Title IX grievance procedure to ensure that it provides procedural rights to all personnel who may be involved in a Title IX grievance as either a grievant or a person named as a possible Title IX violator

Involving representatives of various staff groups or levels on grievance hearing panels or grievance advisory boards

Providing an opportunity for any staff affected by a grievance resolution to consult with grievance decision makers regarding the specification of appropriate corrective and remedial actions

Implementing periodic surveys of staff to determine their perceptions of the effectivenss of the Title IX grievance procedure and grievance-related revisions in policy, program or practice

Function Three: Increasing dialogue between the community and the schools related to issues of educational equity and educational programs

Dialogue between the schools and the community on issues related to educational equity can serve several purposes:

It can provide the schools with a mechanism for communicating and interpreting school policies to the community and for soliciting community support for their implementation

It can provide the community an opportunity to identify community needs relevant to school programs

It can provide both groups with a structure for addressing issues of educational equity which are of mutual concern

If school/community relationships are to be meaningful to both sides, it is essential that community members be provided access to information regarding the particular area of concern, in this case the Title IX grievance procedure and Title IX compliance efforts. The provision of such information can help to minimize the filing of grievances which are irrelevant to Title IX and it can help to ensure the timely identification of inadvertent Title IX violations.

Action strategies/steps:

Provision of information regarding Title IX requirements and the Title IX grievance procedure in ongoing communications with parents and community members (e.g., "back-to-school" memoranda to parents, public relations brochures, etc.)

Development of a special brochure regarding educational equity efforts and the Title IX grievance procedure for dissemination upon request to community members or groups

Designation of school personnel available to make presentations on the Title IX grievance procedure and Title IX compliance efforts to community groups

Development of brief presentations regarding Title IX and the grievance procedure for inclusion in ongoing community meetings (e.g., the PTA meetings)

Ensuring the eligibility of community groups to bring grievances under the Title IX grievance procedure

Opening Title IX grievance records (with names and identifying information removed) to concerned community members

Designation of community representatives to serve on grievance hearing panels or grievance advisory boards

Providing hearings or portions of school board meetings in which community members may express their views and ask questions regarding Title IX and the grievance procedure

Function Four: Protecting the education agency from Federal intervention by providing a mechanism for the resolution of allegations of Title IX violations and the development of necessary corrective and remedial actions at the local level

If the Title IX grievance procedure is to be effective as a mechanism for resolving Title IX grievances locally

without Federal intervention, several conditions must be met:

1. The procedure must provide due process for all parties to the grievance. (If due process is not provided, it is unlikely that the procedure will be utilized.)

2. The procedure must provide equitability and some assurance that grievances will be heard by persons not directly involved in the outcome of the grievance. (If there is no attempt to ensure that the grievance decision will be a fair and neutral one, it is again unlikely that the procedure will be utilized.)

3. All grievance decisions must be made in accordance with Title IX requirements. (If decisions are made without adequate information on Title IX, or on the basis or expediency, the grievant is likely to resort to the Federal administrative complaint procedure.)

4. All actions necessary to correct and remedy identified discrimination must be taken in a timely and effective fashion. (If necessary corrective and remedial actions are not taken, the grievant is again likely to resort to the Federal administrative complaint process through which correction may be compelled by financial sanctions.)

5. The grievance procedure must be implemented in a timely fashion. (Unless the grievance procedure provides for timely grievance resolution, the advantage of this procedure to the grievant may be reduced.)

In short, if the procedure is to be useful to both the grievant and the education agency, it must be structurally sound and implemented in a good faith manner.

Action strategies/steps:

Review the Title IX grievance procedure to ensure that it provides for:

Due process

Equitability and impartial decision making

Timely resolution of complaints

Protection of grievants from harrassment and retaliation

Review the implementation of the Title IX grievance procedure to ensure that:

All grievance decisions have been made in accordance with Title IX requirements

All grievance decision makers are knowledgeable regarding or have received training in Title IX requirements

All grievance decisions specify appropriate corrective and remedial steps when discrimination is identified

Follow-up and monitoring efforts are made to ensure the implementation of grievance decisions

APPENDIX

B

TITLE IX DECISION MAKING: SUGGESTED ANSWERS

VERNON CASEY

1. The Title IX regulation states that counselors may not discriminate against any person on the basis of sex in the counseling process [§86.23(a)] and that course offerings, including vocational education courses, may not be provided separately on the basis of sex. [§86.34]

2. Further information is needed regarding the specific nature of the pressures that students have experienced as they are moving into vocational education programs, the policies and policy guidelines which specify open access to courses, and copies of any course selection materials that are made available to students.

3. The possible actions suggested by the problem involve policy development/clarification/communication, staff training and program modification/development.

4. A number of alternatives are available:

   Policy guidelines regarding nondiscrimination in student access to courses could be developed and distributed to all counselors and instructional staff.

   A program of staff training regarding the responsibilities of counseling and instructional staff for nondiscrimination could be developed and implemented for all staff.

   A program of career planning and support services to overcome the effects of past discrimination could be developed for all students, with special attention being given to students interested in nontraditional areas. This might include support groups for students, open-house sessions to expose all students to the range of available vocational education alternatives, discussion sessions with men and women in nontraditional jobs, etc.

   A review of student handbooks, career planning materials, course descriptions, etc. could be made to ensure that they are nondiscriminatory and that students know their rights of equal access to courses.

Disciplinary actions could be taken in those instances where it is clear that personnel continue to exert pressures or harass students.

5. Each alternative should be implemented.

APPENDIX

C

TITLE IX DECISION MAKING: SUGGESTED ANSWERS

SHARON FINDLEY

1. Under the provisions of the Title IX regulation, an employer may not take any employment action concerning the marital, parental, or family status of an employee or applicant which treats persons differently on the basis of sex; or make any pre-employment inquiries of one sex if they are not made of the other sex. [§86.57(a)] and [§86.60(a)(b)]

2. Further information is needed to determine whether the same inquiries were made of male applicants and whether specific policy and guidelines have been developed regarding the interviewing of job candidates.

3. The action steps which are suggested include:

   Development of policy regarding nondiscriminatory hiring (if it does not exist)

   Development of policy guidelines regarding nondiscrimination in employment interviewing (if they do not exist)

   Provision of staff training

   Disciplinary action (if behavior continues)

4. The alternatives which are available to Superintendent Norris include:

   To write a letter to Ms. Findley thanking her for the information, assuring her that steps will be taken to ensure a fair and unbiased consideration of her qualifications, and that actions will be taken to prevent recurrence of this experience

   To prepare and disseminate a statement clarifying district policy in this area

   To develop a program of staff training for all persons with responsibility for interviewing and hiring persons

   To investigate the possibility of the need for disciplinary action

5. Each of the alternatives should be implemented.

APPENDIX

D

TITLE IX DECISION MAKING: SUGGESTED ANSWERS

TOMAS ORTEGA

1. Each agency receiving Federal funds is required to develop and use internal procedures to ensure that existing counseling materials are not discriminatory. Agencies may not use materials which permit or require different treatment of students on the basis of sex. [§86.36(b)]

2. Further information is needed regarding the counseling materials currently being used, level of staff awareness and the patterns of use of sex stereotyped materials, and the availability of other funds.

3. The primary action steps suggested by this problem would be related to budget allocations for purchase of sex-fair materials and to the development of a program for internal development of supplementary materials.

4. Available alternatives include:

   Review of use of allocated funds to assess the possibility of reduction of funds

   Review of possibilities of securing funds for purchase of materials

   Involvement of staff in an assessment of materials currently being used

   Involvement of staff in the development of supplementary materials

   Training of staff in guidelines for nondiscriminatory use of biased counseling materials

5. Each of the alternatives should be considered.

APPENDIX

E

TITLE IX DECISION MAKING: SUGGESTED ANSWERS

ROBERT WELSH

1. The Title IX regulation requires that employers may not, on the basis of sex, make distinctions in the rates of pay for equal work. [§86.54] If coaching positions are equivalent, no distinctions may be made on the basis of sex.

2. The contract language is clearly discriminatory on its face, in that salary distinctions are made on the basis of sex of employees. Further information is therefore not needed for determining the legality of the contract language, but it might be useful in identifying alternative contract provisions. Information useful for this purpose would include descriptions of each coaching position in terms of responsibilities, competencies required, etc; criteria used for establishing coaching salaries; projected athletics program plans and budgets, etc.

3. Action steps which are indicated include policy development/clarification/communication and budget allocation/reallocation.

4. Available alternatives include:

   Work with the teacher's association to change the terms of the agreement (contract)

   Develop criteria for determination of pay increments on the basis of factors other than sex (e.g., performance, responsibility, etc.)

   Implement procedures necessary to equalize pay of female and male staff on the basis of the criteria developed (other than sex)

   Revise athletics budget as required to accommodate salary changes

5. Each of the alternatives should be implemented.

APPENDIX

F

TITLE IX DECISION MAKING: SUGGESTED ANSWERS

JERRI DICKINSON

1. The Title IX regulation requires that students may not be provided different aid, benefits or services on the basis of sex. [§86.31(b)]

2. Further information is needed regarding the method of granting permission to use sewing machines, the method of assigning responsibility for care of machines, and the extent to which instruction is provided to students in the use of sewing machines.

3. Action steps which are suggested include policy clarification and staff training efforts.

4. Available alternatives include:

   Develop a test to determine competency of users which would be used as a condition of giving either males or females permission to use the machines outside of class hours.

   Ensure that curriculum activities include adequate attention to the use and care of sewing machines.

   Develop a system of individual accountability for care of sewing machines used after school hours so that any suspension of use privileges may be done on a student-by-student basis.

   Develop a program of staff training which can assist instructional personnel in the implementation of nondiscriminatory programs and related problem solving strategies.

5. All alternatives should be implemented.

APPENDIX

G

TITLE IX DECISION MAKING: SUGGESTED ANSWERS

ANN BROSH et al

1. Agencies receiving Federal funds are required to evaluate their total athletic program to determine whether or not it effectively accommodates the interests and abilities of members of both sexes. Factors which should be considered in the evaluation include the nature and extent of sports programs offered and their accommodation of the interests and abilities of males and females in both sports and the level of competition offered. [§86.41(c)]

2. Further information is needed regarding:

   The nature of the barriers which the athletics director alluded to; the specific sports and levels of competition currently being provided for males and females; any efforts made to assess the athletic interests of females; and the plans that may have been developed for the expansion of female sports programs (including specific sports and timetables).

3. The action steps suggested by the problem are program modification/ development, study and investigation of female interests if this has not been done and policy clarification.

4. Available alternatives include:

   Meeting with the athletics director to obtain a report of current female sports activities, plans for the future and an analysis of barriers to immediate equalization of programs (including projected timeliness for elimination of their barriers)

   Conducting an inventory of the athletic interests of female and male students in interscholastic and intramural sports (if one has not already been completed)

   Reviewing plans, if any, for the expansion of female sports programs including timetables, sports and financial projections

   Meeting with students to obtain greater information, to clarify district policy and plans, and to obtain their suggestions for program revisions

5. Each of the alternatives should be implemented.

APPENDIX

H

TITLE IX DECISION MAKING: SUGGESTED ANSWERS

CONSUELO NOETH

1. Every agency receiving Federal funds must adopt, publish and maintain grievance procedures which provide a method of resolving student and employee grievances. [§86.8(b)]

2. Further analysis of the grievances is required in order to identify:

   Any similarities in the grievance allegations or situations suggesting systemic problems or patterns of discrimination

   Any patterns or inconsistencies in grievance resolutions

   Any recommendations for action which emerge from patterns identified

   Any needs for individual problem solving, correction or reinforcement

   Areas for further monitoring

   Ms. Noeth's analysis is good in that it provides information on the numbers of grievances falling in particular areas and the numbers filed by school, but information on outcomes and recommendations for action is needed.

3. The action steps that are suggested include further study of the specifics of the grievances (e.g., possible reasons for the concentration of grievances in a few schools), specific policy communication to particular groups within the high grievance schools and staff training. The need for staff training is suggested by the number of grievances, which reflects the need to ensure understanding of the Title IX regulation requirements throughout the total system.

4. Alternatives that are available include:

   Request the Title IX coordinator to provide additional information such as:

Listing of outcomes of grievances by type of grievance

Listing of grievances by school

Identification of the problems involved in the grievances

Recommendations for actions which should be taken

Request the Title IX coordinator to develop criteria for analysis of the grievances, and establish a timetable for regular reporting and analysis of grievance handling.

Request the Title IX cordinator to review the self-evaluation records of all schools, with particular emphasis on the four schools where most grievances were filed. Make recommendations for re-evaluation where desirable.

Review the policies and policy communications regarding vocational education and competitive sports. Meet with department heads to obtain further information and develop appropriate actions.

Implement training for all staff regarding their responsibilities for Title IX compliance.

5. All alternatives should be used.

APPENDIX

I

GLOSSARY OF TERMS RELATING TO CONTRACTS AND GRANTS

ACCOUNTABILITY: Responsibility for a specified performance, outcome and results.

AUTHORIZATION: Basic substantive legislation enacted by Congress which sets up a federal program or agency. Such legislation sometimes sets limits on the amount that can subsequently be appropriated but does not usually provide budget authority.

AWARDS, METHODS OF: (1) OPEN-BID: Request for Proposal (RFP) or prospectus is publicly announced and/or distributed. Respondents submit "solicited" proposal (see definition below). (2) SOLE SOURCE AWARD: A non-competitive offer to submit a proposal, made by the funding source to a uniquely qualified individual or organization (solicited proposal results). (3) REQUEST FOR QUALIFIED SOURCES: Offers are sent to previously identified individuals or organizations to submit proposal (solicited proposal).

BUDGET: The estimated cost of performance of the project as set forth in the Notification of Grant Award or contract.

BUDGET AUTHORITY (APPROPRIATION): Authority provided by Congress which allows federal agencies to incur obligations to spend or lend money. The budget authority appropriated for a fiscal year is sometimes more than the obligations or outlays within that year due to the long-range nature of some programs (particularly construction projects). There may be unspent budget authority carried over from prior years earmarked for specified purposes. This money is not available for new programs.

CONTRACT: The procurement of a service to perform a specific activity where the funding source (federal agency) has already identified a need, has determined the type of program needed to meet this need, has described the actual format for the service or activity desired, has determined the expected outcomes for the project, has selected an acceptable cost range and knows the length of time required to complete the program. The funding agency exerts management control over the recipient. (Many federal agencies blur the distinction between a contract and a grant--see "grants" below.)

CONTRACTS, TYPES OF: (1) COST PLUS FIXED FEE: Specified the specific fee for performance, plus specified allowable additional costs; i.e., overhead, travel, etc. (2) FIXED PRICE (OR FIXED FEE): Guarantees specified payment for performance of specified tasks within a specified period of time. (3) GUARANTEED PERFORMANCE: Grantee (contractor) guarantees the results of his services (or activities or program) in specific behavioral terms. Payment is made only if results are met. (4) RETAINER: Minimum fee established for minimal services--usually designated by number of man-hours or man-days within a specified period of time. Additional time demands require separate contract negotiations. (5) OPEN-ENDED: Like a fixed fee contract--the difference being that further related activities, as yet unspecified, are anticipated. Usually entered into in exploratory stage of an idea, to determine whether further work is needed (pre-feasibility studies). If additional work is undertaken, a new contract is negotiated, usually on a "sole source" basis. (6) COST REIMBURSABLE: Contract issued on basis of estimated costs; final payment is based on costs actually incurred, usually not to exceed dollar amount of contract.

DIRECT COSTS: Expenses which can be itemized and for which vouchers or payroll records can be presented for payment. They include salaries and wages, fringe benefits, supplies, travel, communication, equipment, computer, rentals, printing and duplication, etc.

EMPLOYEE BENEFITS (FRINGE BENEFITS): Differ with each employing agency but generally include retirement, social security, health benefits. The business office of your agency can provide the percentage of salary to be used in computing this amount -- usually a direct cost.

EVALUATION: An appraisal of an activity seeking to measure the extent to which the activity or program attained the objectives set forth. (1) DESCRIPTIVE: Describes the situation or program as it appears at a given point in time, rather than attempting to establish cause. (2) FORMATIVE: Starts with establishing the objectives of the activity; continues during the entire course of the activity, providing ongoing data (feedback) for decision-making, including revision of the objectives initially established. (3) EXTERNAL (sometimes defined as "third party"): Conducted by individuals who are not directly involved in the process, procedure or program

being evaluated. (4) INTERNAL: The process used by personnel responsible for the operation of a program to determine the degree to which it has fulfilled its stated objectives.

FISCAL YEAR (FY): Year running from July 1 to June 30 and designated by the calendar year in which it ends. For example, FY74 covers the period July 1, 1973--June 30, 1974. (In process of transition from July 1 to October 1, to end September 30 will eventually apply to all federal grants.)

GRANT (CONTRACT) PERIOD: The period of time specified in the Notification of Grant Award or contract award during which costs may be charged against the grant or contract.

GRANTEE (CONTRACTOR): The agency, institution or organization named in the grant or contract as the recipient.

GRANTS: A formal gift of money executed for a designated purpose (usually experimental, research or demonstration), where all the factors related to "contracts" (need, format, outcomes, costs, time) are not fully determined. Often the idea for the grant is proposed by the agency or individual writing the proposal. The grantee has management control over the use of the funds, the methods to be used and a more flexible timetable. (Many federal agencies blur the distinction between a grant and a contract--see "Contracts" above.)

GRANTS OR CONTRACTS OFFICER: The federal agency employee who is authorized to execute and is responsible for the administration of the grant or contract on behalf of the Government. S/he is the only person authorized to approve amendments to the contract or grant; such authorizations are effective and binding only when in writing.

GUIDELINES: Following publication of "priorities" in the Federal Register, each agency re-publishes those priorities in the form of detailed "Guidelines" for use by institutions or organizations in applying for funds. (See "priorities" below.)

INDIRECT COSTS (OVERHEAD): These are REAL costs, defined as general expenses necessary for project operation, which

are difficult to itemize on a project-by-project basis; such as business office services, physical plant operation and library.

LETTER OF INTENT: Sometimes required by an agency before they will accept a complete proposal document. This letter usually contains a description of the proposed project, an estimated budget and information on the applicant. The purpose of this requirement is to allow the funding source to screen out ineligible applicants or projects not consistent with the program's priorities and format. This screening saves considerable time for both the federal agency and the group planning to submit a proposal. In some cases, the federal agency also wishes to determine in advance the number of completed proposals they can anticipate and thus do some preliminary planning about the use of their own personnel and funds. In addition, such a letter guarantees the funding source an opportunity to make comments and suggestions on a program idea before a completed application is submitted.

MANAGEMENT PROCESSES: Once a contract or grant has been awarded, the receiving agency is responsible for effective and efficient program and fiscal management. Management processes are the means by which management of the overall project is carried out, and includes planning, operation, fiscal administration, decision making, evaluating, and staff descriptions, recruiting and selection.

MATCHING CONTRIBUTIONS: Cash contributions or "in kind" support (travel costs, personnel services, overhead, space) provided by the grantee in support of the project. The required extent of this participation is set by the funding agency, usually as a percentage of the funds provided by the sponsor.

NEEDS ASSESSMENT: A survey and analysis of needs for the proposed program might include: (1) symptoms; (2) causes; (3) description of population; (4) related research; (5) attempted solutions; (6) capability of the institutions to implement and/or continue the activity.

OBLIGATIONS: Commitments made by federal agencies (or other organizations) to pay out money for projects, services or other purposes--as distinct from the actual payments. Obligations incurred may not be larger than the budget authority (appropriation) or grant award.

OUTLAYS (EXPENDITURES): All payments made during the fiscal year.

PRIORITIES: Each federal agency develops annual program plans which include objectives and primary areas of emphasis. These areas of emphasis are called priorities and the agency awards contracts or grants for projects which most closely relate to those priorities. Each federal agency must publish, in the Federal Register, the priorities for its programs; included will be a statement of its general interest, the specific population to be served, the deadline for applications and the type of proposal document to be submitted. (See also "Guidelines" above.)

PROJECT DIRECTOR (PRINCIPAL INVESTIGATOR): The person responsible for directing and managing the project of the grantee (contractor).

PROJECT OFFICER: The federal agency employee who is responsible for the technical (content, program) monitoring of the project of the grantee (contractor) as representative of the grants (contract) officer. (See "Grants or Contract Officer" above.)

PROPOSALS: (1) RFP (REQUEST FOR PROPOSAL): Lists the types of qualifications needed, gives details on the program to be funded and specifies the types of information interested institutions must submit in order to be considered for the award. (If you want to get RFP's from specific agencies, call the Procurement Office of that agency and ask for a "Bidder's Mailing List Application," Form 129.) (2) SOLICITED: Requested by the funding source because it has originated the program idea or because the proposed subject is consistent with its major program priorities. (See "Awards" above.) (3) UNSOLICITED: Idea for the program originates with the submitting agency. It may or may not be relevant to the priorities of the potential source of support. (See "Priorities" above.)

SPONSORED PROJECT: A specific activity or program financed by funds other than those of the regular budget of the agency administering the project. Usually this means programs financed through awards from federal agencies or private foundations.

STAFF: Personnel of an organization, from professional to custodial, who have assigned functions to carry out the purposes and objectives of the program.

SUPPLEMENTAL FUNDS (COST SHARING): Participation by the grantee in the costs of the project. (See "Matching Contributions" above.)

TERMS AND CONDITIONS: Document(s) incorporated in every contract or grant which set forth the specific federal laws and regulations which govern performance and administration of the project. Usually included are paragraphs relating to: project scope, cost limitations, accounts and records, payment procedures, reports, printing and duplicating, termination, application of state and local laws and institutional procedures, copyright and publication, patent rights, travel, equipment, sub-contracting, health and safety standards, compensation, labor standards, equal employment, consultants, clearance for forms, investment and grant related income, changes in key personnel, animal care, and so forth. Some items are special and unique to a particular project; most items are general and apply to all contracts/grants.

APPENDIX J

SOURCE OF FUNDING: EXAMPLES OF DEPARTMENT OF EDUCATION FUNDS

The Federal Government is a major source of financial support and technical assistance to the nation's schools chiefly through the U.S. Department of Education (ED). ED administers programs covering virtually every level and aspect of education. These programs and the fiscal year 1977 funds appropriated by Congress in support of them are listed below. Any information regarding these funds may be obtained from U.S. Department of Education, Region 8, 1961 Stout Street, Denver, Colorado 80294.

TYPE OF ASSISTANCE	PURPOSE
GROUP I: TO INSTITUTIONS, AGENCIES AND ORGANIZATIONS	
PART A - For Elementary and Secondary Education Programs	
Bilingual education basic programs (OMB Cat. No. 13403)	To develop and operate programs for children ages 3-18 with limited English speaking ability
Bilingual education support services (OMB Cat. No. 13403)	To operate regional centers providing assistance to bilingual education teachers in local districts (training resource centers), develop bilingual curriculum materials (material development centers), or evaluating and printing such materials (assessment dissemination centers)
Community schools (OMB Cat. No. 13563)	To assist state and local education agencies in establishing community schools to train personnel to plan and operate community education programs
Education and the Arts (OMB Cat No. 13566)	To encourage the establishment of art education programs at elementary and secondary levels

TYPE OF ASSISTANCE	PURPOSE
Educational innovation and support (OMB Cat. No. 13571)	To improve leadership resources of state and local education agencies; to support innovative and exemplary projects, nutrition and health service and dropout prevention
Ethnic Heritage Studies (OMB Cat. No. 13549)	To develop intercultural understanding among individuals living in a pluralistic society, to promote mutual understanding among various U.S. ethnic groups
Follow Through (OMB Cat. No. 13433)	To extend into primary grades educational gains made by deprived children in Head Start or similar preschool programs
Incentive grants (OMB Cat. No. 13512)	To encourage greater state and local expenditures for education
Indian education (OMB Cat. No. 13534)	To provide supplemental programs meeting special educational needs of Indian children enrolled in public schools, grades K-12
Indian education (OMB Cat. No. 13551)	To provide special elementary and secondary school programs meeting the special educational needs of Indian students
Indian education-special programs and projects (OMB Cat. No. 13535)	To provide exemplary and demonstration programs for improving educational opportunities for Indian children
Metric education (OMB Cat. No. 13561)	To encourage education agencies to prepare students for the metric system of measurement
Programs for children in state institutions for the neglected and delinquent (OMB Cat. No. 13431)	To improve the education of delinquent and neglected children in state institutions

TYPE OF ASSISTANCE	PURPOSE
Programs for disadvantaged children (OMB Cat. No. 13428)	To meet the educational needs of deprived children
Programs for migratory children (OMB Cat. No. 13429)	To meet the educational needs of children of migrant farm workers
Special assistance to refugees from Laos, Cambodia and Vietnam (OMB Cat. No. 13769)	To assist refugees from Laos, Cambodia and Vietnam
State administration of ESEA Title I programs (OMB Cat. No. 13430)	To strengthen administration of ESEA, Title I
Right to Read (OMB Cat. No. 13533)	To stimulate institutions, government agencies and private organizations to improve and expand reading related activities for children, youths and adults
School maintenance and operation (OMB Cat. No. 13478)	To aid school districts on which federal activities or disasters have placed a financial burden
State equalization grants (OMB Cat. No. 13572)	To reimburse states for costs incurred in the development or administration of a plan for equalization of state and local school finances with primary purpose to achieve equality of opportunity for all children
Women's educational equity (OMB Cat. No. 13565)	To support development and implementation of capacity building programs contributing to women's educational equity and having a possible national impact

TYPE OF ASSISTANCE	PURPOSE
PART B - For Strengthening Organizational Resources	
Alcohol and drug abuse education programs (OMB Cat. No. 13420)	To organize and train alcohol and drug education leadership teams at state and local levels to develop programs and leadership to combat causes of alcohol and drug abuse
Bilingual education technical assistance coordination (OMB Cat. No. 13403)	To provide technical assistance to local education agencies operating Title VII Basic Programs and to coordinate bilingual programs within the state
Education broadcasting facilities (OMB Cat. No. 13413)	To aid in the acquisition and installation of broadcast equipment for educational radio and TV
Educational television programming (OMB Cat. No. 13541)	To fund development and dissemination of educational television programs
Interlibrary cooperation (OMB Cat. No. 13465)	To establish and operate cooperative networks of libraries
Library and learning resources (OMB Cat. No. 13570)	To help provide school library resources, textbooks, and other instructional materials, instructional equipment, minor remodeling, testing, counseling and guidance services in elementary and secondary schools
Library services (OMB Cat. No. 13464)	To extend and improve public library services, institutional library services, and library services to populations unserved or inadequately served.

TYPE OF ASSISTANCE	PURPOSE
Projects in environmental education (OMB Cat. No. 13522)	To develop environmental and ecological awareness and problem solving skills through education programs conducted by formal and nonformal educational organizations and institutions
PART C - For Postsecondary Education Programs	
Basic institutional development (OMB Cat. No. 13454)	To provide partial support for cooperative arrangements between developing and established institutions
Advanced institutional development (OMB Cat. No. 13454)	To assist selected developing institutions enter the mainstream of higher education
Bilingual education stipends and institutional assistance (OMB Cat. No. 13403)	To train teachers, administrators and others working with bilingual education programs, to recruit faculty and encourage reforms and improvements in bilingual education curriculums at the undergraduate and graduate levels
College library resources (OMB Cat. No. 13406)	To strengthen postsecondary library resources
College Work Study (OMB Cat. No. 13463)	To stimulate and promote part-time employment of needy postsecondary students
Community service and continuing education programs (OMB Cat. No. 13491)	To strengthen higher education capabilities for helping communities solve their problems and to bring continuing education opportunities to adults
Cooperative education programs (OMB Cat. No. 13515)	To support planning and implementation of programs alternating periods of academic study and public or private employment

TYPE OF ASSISTANCE	PURPOSE
Cuban student loans (OMB Cat. No. 13409)	To provide a loan fund to aid Cuban refugee students
Educational opportunity centers (OMB Cat. No. 13543)	To operate centers assisting low income persons desiring to pursue a program of post-secondary education
Endowments to agriculture and mechanic arts colleges (OMB Cat. No. 13453)	To support instruction in agriculture and mechanic arts in land grant colleges
Improvement of post-secondary education (OMB Cat. No. 13925)	To aid postsecondary education reforms in curriculum development, teaching and administration
National Direct Student Loan Program (OMB Cat. Nos. 13469-470-471)	To help set up funds at higher education institutions for making low-interest loans to graduate and undergraduate students attending at least half time
National teaching fellowships and professors emeriti (OMB Cat. No. 13454)	To strengthen teaching resources of developing institutions
State planning commissions (OMB Cat. No. 13550)	To develop statewide comprehensive planning for post-secondary education
State student incentive grants (OMB Cat. No. 13548)	To encourage states to increase their appropriations for grants to needy students or to develop such grant programs where they do not exist (grants are on a matching 50-50 basis)
Student special services (OMB Cat. No. 13482)	To assist low income and handicapped students to complete postsecondary education

TYPE OF ASSISTANCE	PURPOSE
Supplemental education opportunity grants (OMB Cat. No. 13418)	To assist students of exceptional financial need to pursue a postsecondary education
Talent Search (OMB Cat. No. 13488)	To help identify and encourage promising students to complete high school and pursue postsecondary education
Upward Bound (OMB Cat. No. 13492)	To motivate young people with low income backgrounds and inadequate high school preparation to enter postsecondary training
Veterans cost of instruction (OMB Cat. No. 13540)	To encourage recruitment and counseling of veterans by postsecondary education institutions
PART D - For the Education of the Handicapped	
Deaf-blind centers (OMB Cat. No. 13445)	To provide specialized intensive educational and therapeutic services to deaf-blind children and their families through regional centers
Early education for handicapped children (OMB Cat. No. 13444)	To aid state and local education agencies developing model preschool and early education programs for handicapped children
Gifted and talented children (OMB Cat. No. 13562)	To develop programs for gifted and talented children and to train teachers and leadership personnel for these children
Information and recruitment (OMB Cat. No. 13452)	To encourage recruitment of educational personnel into special education, to disseminate information, to provide referral services for parents of handicapped children

TYPE OF ASSISTANCE	PURPOSE
Media services and captioned film loan program-film (OMB Cat. No. 13446)	To advance the handicapped through film and other media including a captioned film loan service for cultural, educational and vocational enrichment of the deaf
Media services and captioned film loan program-centers (OMB Cat. No. 13446)	To establish and operate a system of centers on educational media for the handicapped
Media services and captioned film loan program-research (OMB Cat. No. 13446)	To contract for research into the use of educational and training films and other media for the handicapped and for production and distribution
Programs for children with specific learning disabilities (OMB Cat. No. 13520)	To provide for research and training and establishment of model centers for the early identification of children with learning disabilities
Programs for the handicapped-aid to states (OMB Cat. No. 13449)	To assist in initiation, expansion and improvement of programs and projects for the handicapped at preschool, elementary and secondary levels through grants to states and outlying areas
Programs for the handicapped in state supported schools (OMB Cat. No. 13427)	To strengthen programs for children in state supported schools
Personnel training for the education of the handicapped (OMB Cat. No. 13451)	To prepare and inform teachers and others who educate handicapped children and to ensure an adequate supply of personnel in this area through preservice and inservice training

TYPE OF ASSISTANCE	PURPOSE
Training of physical education and recreation personnel for handicapped children (OMB Cat. No. 13451)	To train physical education and recreation personnel to work with the handicapped
Regional education programs for the handicapped (OMB Cat. No. 13560)	To make grants or contracts to publicly supported educational institutions to develop and operate special educational programs at vocational, technical, postsecondary or adult levels for deaf or other handicapped persons
Handicapped regional resource centers (OMB Cat. No. 13450)	To establish regional resource centers that advise and offer technical services to educators for improving education of handicapped children
Severely handicapped projects (OMB Cat. No. 13568)	To meet education and training needs of severely handicapped children and youths by helping them become as independent as possible
Supplementary educational centers and services, guidance, counseling and testing for the handicapped (OMB Cat. No. 13519)	To provide vitally needed educational services in support of local innovative and exemplary projects in guidance, counseling and testing
PART E - For Developing and Strengthening International Studies Programs	
Consultant services of foreign curriculum specialists (OMB Cat. No. 13439)	To bring foreign resource persons to the U.S. to assist in developing language and area programs pertinent to their home regions
Group projects abroad for non-Western language and area studies (OMB Cat. No. 13440)	To train U.S. education personnel abroad in language and international studies, to develop comprehensive language programs for U.S. institutions

TYPE OF ASSISTANCE	PURPOSE
International studies centers (OMB Cat. No. 13435)	To upgrade training resources at Centers for International Studies including foreign language and area studies
International studies programs, graduate and undergraduate (OMB Cat. No. 13435)	To encourage international studies resources at the graduate and undergraduate levels
PART F - For Occupational, Adult, Vocational and Career Education	
Adult education (OMB Cat. No. 13400)	To provide adult basic education programs up to 12th grade competency
Bilingual vocational training (OMB Cat. No. 13558)	To assist in conducting bilingual vocational training programs so that vocational training programs are available to everyone needing them
Career education (OMB Cat. No. 13554)	To demonstrate effective methods and techniques in career education, to develop exemplary models and to enable state education agencies to plan for career education
Consumer and homemaking education (OMB Cat. No. 13494)	To help states conduct training programs in consumer and homemaking education, especially in economically depressed or high unemployment areas
Cooperative education for vocational students (OMB Cat. No. 13495)	To help states conduct vocational education programs of cooperative work-study arrangements
Indian education (OMB Cat. No. 13536)	To provide adult basic education and GED programs for Indian adults

TYPE OF ASSISTANCE	PURPOSE
Vocational education-basic programs (OMB Cat. No. 13493)	To maintain, extend and improve vocational education programs to develop programs in new occupations
Vocational programs for persons with special needs (OMB Cat. No. 13499)	To provide vocational education programs for disadvantaged persons who have not succeeded in regular programs
Vocational education-state advisory councils (OMB Cat. No. 13500)	To advise the State Board for Vocational Education on the development and administration of state plans to evaluate vocational education programs, services and activities
Work-Study programs for vocational students (OMB Cat. No. 13501)	To provide work opportunities for full time disadvantaged vocational education students
PART G - For Desegregation Assistance	
Desegregation assistance grants to non-profit organizations OMB Cat. No. 13529)	To promote aid for community-based special programs and projects in support of school district desegregation plans
Desegregation assistance basic grants to LEAs (OMB Cat. No. 13525)	To provide aid to desegregating school districts for educational programs
Desegregation assistance pilot programs (OMB Cat. No. 13526)	To help desegregating school districts provide special help in the form of reading and math programs to overcome minority group isolation
Desegregation assistance bilingual programs (OMB Cat. No. 13528)	To help desegregating school districts provide bilingual-bicultural programs for children of limited English speaking ability.
Desegregation assistance educational TV (OMB Cat. No. 13530)	To develop and produce integrated children's educational television programs

TYPE OF ASSISTANCE	PURPOSE
Desegregation assistance special programs and projects (OMB Cat. No. 13532)	To lessen minority group isolation by supporting efforts of special merit not covered under ESAA legislation
ESAA evaluation (OMB Cat. No. 13531)	To evaluate programs and projects assisted under the Emergency School Aid Act
Desegregation assistance Civil Rights training and advisory services (OMB Cat. No. 13405)	To aid school districts in hiring advisory specialists to train employees and provide technical assistance in matters related to desegregation on the basis of race, color, religion, sex, national origin or language deficiencies
GROUP II: TO INDIVIDUALS--FOR TEACHER AND OTHER PROFESSIONAL TRAINING AND STUDENT ASSISTANCE	
Basic educational opportunity grants (OMB Cat. No. 13539)	To provide financial assistance to undergraduate postsecondary students
College teacher graduate fellowships (OMB Cat. No. 13407)	To train persons as bilingual education teacher-trainers in universities and school districts
College teacher graduate fellowships (OMB Cat. No. 13407)	To increase the number of qualified college teachers
College Work-Study (OMB Cat. No. 13463)	To promote part-time employment of postsecondary students in great financial need
Cuban student loans (OMB Cat. No. 13409)	To provide loans to needy Cuban refugee students
National direct student loans (OMB Cat. No. 13471)	To provide low interest loans to postsecondary students

TYPE OF ASSISTANCE	PURPOSE
Domestic mining and mineral-fuel conservation fellowships (OMB Cat. No. 13567)	To assist graduate students in domestic mining and mineral-fuel conservation, including oil, gas, coal shale and uranium
Educational development (for educators from other countries)	To provide opportunity for foreign educators to observe U.S. methods, curriculum and organization at elementary, secondary and higher education levels
Ellender fellowships (OMB Cat. No. 13583)	To assist the Close Up Foundation of Washington, D.C. with its program for increasing understanding of the federal government among secondary school students and their communities
Fellowships abroad for doctoral dissertation research in foreign language and area studies (OMB Cat. No. 13441)	To develop research knowledge and international studies capabilities for specialized advanced work abroad
Fellowship opportunities abroad (OMB Cat. 13438)	To promote instruction in international studies through grants and faculty projects for overseas work
Foreign language and area studies fellowships (OMB Cat. No. 13434)	To pay stipends to individuals undergoing training in any modern foreign language
Guaranteed student loan program (OMB Cat. No. 13460)	To encourage private commercial institutions and organizations to make loans to postsecondary students
Indian education (OMB Cat. No. 13569)	To assist Indian professional and graduate students in engineering, medicine, law, business, forestry and related fields

TYPE OF ASSISTANCE	PURPOSE
Librarian training (OMB Cat. No. 13468)	To increase opportunities for training in librarianship
Media services and captioned films training grants (OMB Cat. No. 13446)	To train persons in the use of educational media for the handicapped
National teaching fellowships and professors emeriti (OMB Cat. No. 13454)	To strengthen the teaching resources of developing institutions
Public service career fellowships (OMB Cat. No. 13555)	To attract and prepare students for entrance into state, local or federal service
State student incentive grants (OMB Cat. No. 13548)	To encourage states to increase their appropriations for students or to develop such grant programs where they do not exist (grants are on a 50-50 matching funds basis)
Teacher Corps project grants (OMB Cat. No. 13489)	To improve the quality of instruction available to disadvantaged children
Training for the disadvantaged-CLEO (OMB Cat No. 13556)	To provide opportunities for economically and educationally disadvantaged students to study and practice law
Teacher exchange (OMB Cat. No. 13437)	To promote international understanding and professional competence by exchange of teachers between the U.S. and foreign nations
Training of physical education and recreation personnel for handicapped children (OMB Cat. No. 13451)	To train physical education and recreation personnel for the handicapped
Training teachers for the handicapped (OMB Cat. No. 13451)	To improve and increase the supply of education personnel trained to work with handicapped children

TYPE OF ASSISTANCE	PURPOSE
Vocational education personnel development awards (OMB Cat. No. 13503)	To meet state needs for qualified vocational education personnel by making awards to educators and institutions
Vocational education professional personnel development for states (OMB Cat. No. 13504)	To strengthen education programs authorized by the Vocational Education Amendments of 1968: to improve instruction and administration of vocational education at all levels
GROUP III:	FOR RESEARCH
Consumer education (OMB Cat. No. 13568)	To support research and development and pilot projects designed to provide consumer education to the public
Foreign language and area studies research (OMB Cat. No. 13436)	To improve foreign language and area studies through support of research and studies, experimentation and development of specialized instructional materials
Handicapped physical education and recreation research (OMB Cat. No. 13443)	To improve physical education and recreation programs for handicapped children through research and demonstration projects
Library demonstrations (OMB Cat. No. 13475)	To promote library and information science research and demonstrations

APPENDIX

K

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972--A SUMMARY OF THE IMPLEMENTING REGULATIONS

INTRODUCTIONS

Title IX of the 1972 Education Amendments is the first comprehensive Federal law to prohibit sex discrimination in the admission and treatment of students by education institutions receiving Federal financial assistance. Sex discrimination in the employment policies and practices of educational institutions is also prohibited. The intent of the law is to eliminate sex discrimination in the programs, policies and administration of educational institutions. It reads:

> 'No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.'

The implementing regulation for Title IX was issued by the Secretary of Health, Education and Welfare in June, 1975. Its provisions may be grouped into five major sections--general provisions (contained in Subpart A of the regulation), which outline the general procedures required for ensuring nondiscrimination and compliance with the regulation; coverage provisions (Subpart B of the regulation), which identify the education institutions, programs and activities covered by the regulation; admissions provisions (Subpart C of the regulation), which specify prohibitions of discrimination in the recruitment and admissions of students; provisions pertaining to the treatment of students in educational programs and activities (Subpart D of the regulation), which delineate the standards of nondiscrimination in student programs; and employment provisions (Subpart E of the regulation), which establish the requirements for nondiscrimination in employment.

Following is a summary of the regulation. It follows the sequence of the regulation itself; the number contained in brackets at the end of each summary paragraph refers to the section of the regulation from which the information is derived.

Two definitions contained in the regulation are of importance to users of this summary:

Recipient: The "recipient" referred to throughout the summary is defined as "any public or private agency, institution, or organization, or other entity, or any

person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance." [§86.2(h)]

Federal financial assistance: Education agencies or institutions which receive any of the following are considered recipients of "Federal financial assistance" for purposes of Title IX:

> Grants or loans from the Federal Government, including funds for:
>
> > Acquisition, construction or renovation of buildings or facilities;
> >
> > Scholarships, loans, grants, wages or other funds extended for payment to or on behalf of students of the institution, whether paid to the institution or directly to students for payment to the institution.
>
> Grants of Federal property
>
> Provision of the services of Federal personnel
>
> Any other contract, agreement or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty. [§ 86.2(g)]

Copies of the regulation have been supplied to all local education agencies and postsecondary institutions. Copies of the regulation may also be obtained from the Department of Education, Washington, D.C. 20201.

TITLE IX--A SUMMARY OF THE IMPLEMENTING REGULATION

GENERAL PROVISIONS

Remedial action. In the event of a finding of sex discrimination by the Director of the Office for Civil Rights in an education program or activity of a Federally assisted institution or agency, the institution or agency may be required to take remedial action to overcome the effects of such discrimination. Such requirement would be specified by the Director. [§86.3(a)]

Affirmative action. In the absence of a finding of sex discrimination, a recipient educational institution may take affirmative action to overcome the effects of conditions which resulted in limited participation by persons of a particular sex. [§86.3(b)]

Self-evaluation. Every education institution receiving Federal funds must, within one year of the effective date of the regulation:

> Evaluate its policies and practices as to their compliance with the regulation
>
> Modify its policies and practices as necessary for compliance
>
> Take appropriate remedial steps to eliminate the effects of discrimination resulting from these policies and practices

A description of any modifications and remedial actions taken must remain on file for at least three years following completion of the evaluation. [§86.3(c)]

Assurance required. Every application for Federal financial assistance for any education program or activity must as a condition of its approval, contain or be accompanied by an assurance form certifying compliance with the regulation. Forms will be supplied by the Office for Civil Rights, ED. [§86.4]

Designation of responsible employee. Every recipient must designate at least one employee to coordinate compliance efforts and investigate any complaints of sex discrimination; all students and employees must be noti-

fied of the name, office address and phone number of the employee. [§86.8(a)]

Grievance procedures. Every recipient must adopt and publish grievance procedures providing for resolution of student and employee complaints. (Utilization of these procedures is not a prerequisite for the filing of a complaint with the Office for Civil Rights, ED.) [§86.9(a)]

Notification of policy. Recipients must take specific and continuing steps to notify applicants for admission, students, parents, employees, and all unions or professional organizations holding bargaining or professional agreements with the recipient of its compliance with Title IX. Initial notification was required by October 19, 1975. [§86.9(a)]

Publications. Recipients must include a policy statement of nondiscrimination on the basis of sex announcement, bulletin, catalog, application form or other materials used in connection with the recruitment of students or employees. No publication should suggest, by text or illustration, that the recipient treats students, applicants or employees differently on the basis of sex except as permitted by the regulation. [§86.9(b)]

COVERAGE

General. The regulation applies to every recipient and to each education program or activity operated by a recipient which receives or benefits from Federal financial assistance. (Information regarding judicial interpretation of this language is provided in the preamble to the regulation. In analogous cases regarding racial discrimination, courts have held that the education functions of a school district or college include any service, facility, activity, or program which it operates or sponsors; including athletics and other extracurricular activities. The Federal funds may be terminated upon a finding that "they are infected by a discriminatory environment.") [§86.11]

Exemptions from coverage include: educational institutions controlled by religious organizations, to the extent that compliance would not be consistent with religious tenets; military and merchant marine educational insti-

tutions; and social fraternities and sororities in post-secondary institutions. YMCA's and YWCA's, Girl and Boy Scouts, Camp Fire Girls and other voluntary youth service organizations. [§86.12, §86.13 and §86.14]

Coverage of the admissions provisions applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education, other than those which have been traditionally and continually single sex. This does not include first-degree professional and vocational programs offered at private undergraduate institutions. [§86.15]

ADMISSIONS

The regulation requires that no person may, on the basis of sex, be denied admission or be subject to discrimination in admission by any recipient subject to the admissions provisions of Title IX. Specifically prohibited are:

Ranking applicants separately on the basis of sex;

Applying numerical limitations on the number or proportion of either sex who may be admitted;

Treating one individual differently from another on the basis of sex;

Administering any test or criterion for admission which has a disproportionately adverse effect on members of one sex unless such test or criterion is shown to validly predict success in the education program or activity and alternative tests are not available;

Applying any rule concerning the actual or potential parental, marital or family status of a student which treats persons differently on the basis of sex;

Discriminating against or excluding any person on the basis of pregnancy or related conditions (these must be treated as any other temporary disability);

Making pre-admission inquiry as to the marital status of an applicant. [§86.21(a), (b), (c)]

Discrimination in the recruitment of applicants for admission is also prohibited:

> Preference may not be given nor may applicants for admission be recruited on the basis of attendance at an educational institution which is predominantly single sex unless the pool of applicants eligible for such preferences includes roughly equivalent numbers of males and females [§86.22];
>
> A recipient may not discriminate on the basis of sex in the recruitment of students unless additional recruitment efforts for members of one sex are undertaken as remedial or affirmative action. [§86.23(a)]

TREATMENT OF STUDENTS IN EDUCATION PROGRAMS AND ACTIVITIES

General. All education institutions or activities receiving Federal financial assistance are subject to these regulatory requirements, including those whose admissions are exempt from coverage. This portion of the regulation requires that:

> 'no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training or any other education program or activity operated by a recipient.' [§86.3(a)]

It specifically provides that recipient institutions may not, on the basis of sex:

> Provide different aid, benefits or services;
>
> Deny any person such aid, benefits or services;
>
> Subject any person to separate or different rules of behavior, sanctions or other treatment;
>
> Discriminate against any person in the application of any rules of appearance;
>
> Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state tuition;

Provide significant assistance (defined in the preamble to the Regulation as facilities or a faculty sponsor) to any agency, organization or person which discriminates on the basis of sex in providing any aid, benefits or services to students or employees;

Limit any person in the enjoyment of any right, privilege, advantage or opportunity. [§86.13(b)]

Assistance administered by an institution for study abroad. A recipient institution may administer awards established by foreign or domestic legal instruments restricted to members of one sex which are designed to provide opportunities for study abroad provided the institution otherwise makes available reasonable opportunities for members of the other sex. [§86.31(c)]

Programs not operated by recipients. A recipient institution may not facilitate, require, permit or consider as part of an activity or program it operates, participation by any applicant, student or employee in a program not operated by the recipient which discriminates on the basis of sex. This includes participation in educational consortia and cooperative employment and student teaching assignments. [§86.31(d)]

Housing. A recipient may not, on the basis of sex, apply different rules or regulations, impose different fees or requirements or offer different services or benefits related to housing. A recipient may provide separate housing on the basis of sex, provided that housing provided for students of one sex, when compared to that provided to students of the other, is as a whole proportionate in quantity to the number of students of that sex applying and comparable in quality and cost to the student. [§86.32(a)(b)]

A recipient which assists any agency or person in making housing available to its students must take reasonable action to assure itself that housing provided is proportionate in quantity and comparable in quality and cost to students of both sexes. A recipient may not, on the basis of sex, administer different policies or practices concerning occupancy by its students in housing other than provided by the recipient. [§86.32(c)]

Facilities. A recipient may provide separate toilet, locker room and shower facilities on the basis of sex; those provided for one sex must be comparable to those provided for the other. [§86.33]

Course offerings. Course offerings or other education activities may not be provided separately on the basis of sex, nor may participation therein be refused or required on such basis. Included are health, physical education, industrial, business, vocational, technical, home economics, music and adult education courses. [§86.34]

With respect to physical education courses, institutions must comply with this requirement as expeditiously as possible but in no event later than one year from the effective date of the regulation at the elementary level and three years from the effective date of the secondary and postsecondary levels. Students may be grouped by ability in physical education classes and activities as long as ability is assessed by objective standards developed and applied without regard to sex. Students may be separated by sex within physical education classes during participation in contact sports. [§86.34(a)(b)(c)]

Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted separately for males and females. [§86.34(e)]

Recipient institutions may make requirements based on vocal range or quality which result in choruses of one or predominantly one sex. [§86.34(f)]

Schools of vocational education. A local education agency may not, on the basis of sex, exclude any person from admission to any institution of vocational education or any other school or educational unit it operates unless it otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services and facilities comparable to each course, service and facility offered in or through such schools. [§86.35]

Counseling and counseling materials. Institutions may not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants. [§86.36(a)]

Recipients may not use different materials for students on the basis of sex or use materials which permit or require differential treatment of students on such basis unless such materials cover the same occupations and interest areas and their use is shown to be essential to eliminate sex bias. Recipients must develop and use internal procedures for ensuring that counseling materials do not so discriminate. [§86.36(b)]

Where a recipient finds that a particular class or course of study contains a substantially disproportionate number of individuals of one sex, the recipient must take such action as is necessary to assure itself that this disproportion is not the result of sex discrimination by counselors or in counseling materials. [§86.36(c)]

Financial assistance. Recipients may not, on the basis of sex:

Provide different amounts or types of financial assistance, limit eligibility for such assistance or apply different criteria;

Apply any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other with regard to marital or parental status;

Assist, through solicitation, listing, approval, or provision of facilities or services, any agency or person which provides assistance to a recipient's students in a manner which discriminates on the basis of sex. [§86.37(a)]

Recipients may administer financial assistance established by domestic or foreign instruments which require that awards be made to members of a specified sex provided that the overall effect of the awarding of such sex-restricted funds does not discriminate on the basis of sex. To ensure such nondiscriminatory effect:

Students must be selected for awards of financial assistance on the basis of nondiscriminatory criteria;

An appropriate sex-restricted award should be allocated to each student selected;

No student may be denied the award for which he or she was selected because of absence of financial assistance designed for a member of that student's sex. (According to the preamble of the regulation, if there are insufficient sources of financial aid designated for members of a particular sex to provide funds for students of that sex selected, the institution is required to obtain the necessary funds from other sources or to award less assistance from the sex-restricted sources.) [§86.37(b)]

If a recipient awards athletic scholarships, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic scholarships for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with the portion of the regulation dealing with athletics. [§86.37(c)]

Employment assistance to students. A recipient institution which assists any agency or person in making employment available to its students must assure itself that employment is made available without discrimination; it may render no services or assistance to agencies or individuals which discriminate on the basis of sex in employment practices. [§86.38]

Health and insurance benefits and services. Institutions may not discriminate on the basis of sex in providing medical, hospital, accident or life insurance benefits, services, policies or plans to any students. This does not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. Any recipient which provides full coverage health services must provide gynecological care. [§86.39]

Marital or parental status. A recipient may not apply any rule concerning a student's actual or potential parental, family or marital status which treats students differently on the basis of sex. [§86.40(a)]

No student may be discriminated against or excluded from an education program or activity (including any class or extracurricular activity) on the basis of pregnancy or related conditions unless the student requests voluntarily to participate in a separate portion of the program or activity. [§86.40(b)]

> A recipient may require a pregnant student to obtain a physician's certification of her physical and emotional ability for normal participation in the education program or activity if such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
>
> A recipient which operates a portion of its education program separately for pregnant students, admission to which is voluntary, must ensure that this program is comparable to the program offered to nonpregnant students.
>
> A recipient must treat pregnancy and related conditions in the same manner and under the same policy as any other temporary disability with respect to any medical or hospital benefit, service, or policy in which such recipient participates with respect to students. If there is no leave policy maintained for students, pregnancy and related conditions must be treated as justification for a leave of absence, after which a student shall be reinstated to the status she held before the leave began. [§86.40(b)]

Athletics. The general requirement of this section is that:

> no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide athletics separately on such basis. [§86.41(a)]

Separate teams may, however, be operated for members of each sex where:

Selection for such teams is based upon competitive skill; or

The activity involved is a contact sport.

Where a recipient operates or sponsors a team in a particular sport for members of one sex but operates no such team for members of the other, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport (boxing, wrestling, rugby, ice hockey, football, basketball and other sports the major activity of which involves bodily contact). [§86.41(b)]

Equal opportunity for members of both sexes must be provided in interscholastic, intercollegiate, club or intramural athletics operated or sponsored by a recipient. In assessing the availability of equal opportunity, ED will consider, among other factors:

Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

Provision of equipment and supplies;

Scheduling of games and practice time;

Travel and per diem allowance;

Opportunity to receive coaching and academic tutoring;

Assignment and compensation of coaches;

Provision of locker rooms, practice and competitive facilities;

Provision of housing and dining facilities and services;

Publicity.

Unequal aggregate expenditures for members of each sex or for male and female teams will not constitute noncompliance, but ED may consider the failure to provide neces-

sary funds for teams for one sex in assessing equality of opportunity. [§86.41(c)]

All recipient institutions must comply as expeditiously as possible; elementary schools must be in full compliance with this section within one year from the effective date of the regulation, secondary and postsecondary schools within three years. [§86.41(d)]

Textbooks and curricular materials. Nothing in the regulation requires or prohibits the use of particular textbooks or curricular materials. [§86.42]

EMPLOYMENT

[In a November 1979 ruling, the U.S. Supreme Court, in effect, removed this section from Title IX. Sex discrimination in employment is covered under Title VII of the Civil Rights Act of 1964.]

General. All education institutions receiving Federal financial assistance must comply with the employment provisions of the regulation. In general, the regulation prohibits:

> Exclusion from participation in, denial of the benefits of, or subjection to discrimination on the basis of sex of any person in employment, or recruitment, consideration or selection thereof, whether full or part-time.
>
> The limitation, segregation, or classification of applicants or employees in any way which could adversely affect any employment opportunities or status because of sex;
>
> Entrance by a recipient into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to sex discrimination, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient;
>
> The granting of preferences to applicants for employment on the basis of attendance at a single sex educational institution, unless the numbers of each sex

eligible for such preference are roughly equivalent. [§86.51(a)]

Specifically, discrimination is prohibited in:

Recruitment, advertising and the process of application for employment;

Hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff and rehiring;

Rates of pay or any other form of compensation;

Job assignments, classifications and structure, including position descriptions, lines of progression and seniority lists;

The terms of any collective bargaining agreement;

Granting and returning from leaves of absence, leaves for pregnancy and related conditions, leaves for persons of either sex to care for children or dependents;

Fringe benefits;

Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities, selection for tuition assistance, sabbaticals and leaves of absence to pursue training;

Employer sponsored activities, including social or recreational programs;

Any other term, condition or privilege of employment. [§86.51(b)]

Employment criteria. A recipient may not administer any test or other criterion for employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless it is shown to validly predict successful performance in the position in question and alternative tests or criteria are not available. [§86.52]

Recruitment. A recipient may not discriminate on the basis of sex in the recruitment and hiring of employees. When a recipient is found to be presently discriminating on the basis of sex (or to have so discriminated in the past), it will recruit members of the sex so discriminated against so as to overcome the effects of past or present discrimination. A recipient may not recruit primarily at entities which furnish as applicants predominantly members of one sex. [§86.53]

Compensation. A recipient may not, on the basis of sex, make distinctions in rates of pay or other compensations which result in the payment of wages to employees of one sex at a rate less than that paid to employees of the other sex for equal work on jobs, the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions. [§86.54]

Job classification. A recipient may not:

Classify a job as being for males or females;

Maintain separate lines of progression, seniority lists, career ladders or tenure systems based on sex;

Maintain separate lines of progression, etc., which classify persons on the basis of sex unless sex is a bona fide occupational qualification for the positions in question. [§86.55]

Fringe Benefits. Under this regulation, fringe benefits means any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave and any other benefit or service of employment. A recipient shall not:

Discriminate on the basis of sex with regard to making fringe benefits available to employees, or making fringe benefits available to spouses, families or dependents of employees differently upon the basis of the employee's sex;

Administer, operate, offer or participate in a fringe benefit plan which does not provide either for equal periodic benefits or equal recipient contributions to the plan for members of each sex;

Participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates on such basis. [§86.57(a)(b)]

Marital or parental status. A recipient may not:

Take any employment action concerning the potential marital, parental or family status of an employee or applicant which treats persons differently on the basis of sex; or

Which is based upon whether an employee or applicant is the head of household or principal wage earner. [§86.56(a)]

Pregnancy. A recipient may not discriminate against or exclude any employee or applicant on the basis of pregnancy or related conditions. Pregnancy and all related conditions must be treated as any other temporary disability for all job related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and reinstatement, and under any fringe benefits offered to employees. If a recipient does not maintain a leave policy for its employees, pregnancy and related conditions must be treated as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began, or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities. [§86.57(b)(c)(d)]

Pre-employment inquiries. A recipient may not make pre-employment inquiry as to the marital status of an applicant for employment. A pre-employment inquiry as to applicant sex may be made, but only if such inquiry is made equally of applicants of both sexes and if the results of the inquiry are not used to discriminate. [§86.60(a)(b)]

Sex as a bonda fide occupational qualification. Recipients may make employment decisions prohibited by the regulation provided they can demonstrate that sex is a bona fide occupational qualification which is essential for carrying out job responsibilities. Such action cannot be based on alleged characteristics or stereotyped charac-

terizations of one or the other sex, or on preference based on sex of the recipient, employees, students or other persons. This does not prevent consideration of an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex. [§86.61]

ENFORCEMENT PROCEDURES

Pending ED's final issuance of a consolidated procedural regulation applicable to Title IX and other civil rights legislation administered by the Department, the procedures applicable to enforcement of Title VI of the Civil Rights Act of 1964 will be used to implement the regulation under Title IX. Under these existing procedures, complaints alleging violations of Title IX may be filed by letter to the Office for Civil Rights, Department of Education, Washington, D.C. 20201 or to the Denver Regional Office of the U.S. Department of Education.

WORKSHOP EVALUATION

THE ADMINISTRATOR'S ROLE

Date_____ School District_____

DIRECTIONS: Complete and return to the workshop facilitator using the rating scale below that shows 1 as the lowest and 5 as the highest value.

__Female

__Male

Your role as a member of this workshop:

__Student

__Parent

__Teacher

__Special Services

__Administrator

Years of Age

__6-15

__16-20

__21-25

__26-30

__31-45

46-above

		Low				High
1.	The workshop objectives were met:					
	a. Shared progress and concerns of administering Title IX.	1	2	3	4	5
	b. Reviewed basic compliance procedures.	1	2	3	4	5
	c. Considered role and increasing effectiveness of Title IX Coordinator in own agencies.	1	2	3	4	5
	d. Considered problems of implementation of grievance procedures.	1	2	3	4	5
	e. Provided framework for evaluating self-evlauations.	1	2	3	4	5
	f. Provided framework for monitoring process.	1	2	3	4	5
2.	There was enough time to get the information I needed.	1	2	3	4	5
3.	My feelings about implementing sex equity in the schools were changed or reaffirmed by this workshop.	1	2	3	4	5
4.	I would rate the organization and format of this workshop as ...	1	2	3	4	5
5.	The subject matter was useful to me professionally.	1	2	3	4	5
6.	The subject matter was useful to me personally.	1	2	3	4	5
7.	I feel I am/will be an effective advocate for sex equity.	1	2	3	4	5

8. Comments: _____

_____

_____

_____

1980-1982 EDUCATIONAL PRIORITIES

OF THE

COLORADO STATE BOARD OF EDUCATION

ACCOUNTABILITY AND ACCREDITATION

Assist local school districts with the implementation of accountability and accreditation programs, emphasizing educational excellence and high standards for all students.

EQUAL EDUCATIONAL OPPORTUNITY

Assist and support unique efforts of each school district to provide an equal and relevant educational opportunity for all students including the skills which lead to self-esteem and self-realization. Furthermore, to encourage districts to develop student policies and programs which emphasize respect for one's self and others.

EFFICIENCY AND EFFECTIVENESS

Assist school districts in their efforts to operate efficiently and effectively and, in particular, to find solutions to the problems presented by inflationary increases, rising fuel costs, declining enrollments, and increasing paperwork and data demands.

EDUCATIONAL LEADERSHIP

Support interagency agreements, legislation, and policies beneficial to K-12 education in Colorado. To be aware of developments in the new U.S. Department of Education to ensure respect for state and local control with accountability. To provide opportunities for all citizens to address educational problems and contribute to their solutions.

TEACHER EDUCATION

Assist the 15 teacher education programs in their responsibility of providing high quality personnel for Colorado schools and encourage responsible teacher education programs leading to the professional growth of the teaching profession.

PARENT INVOLVEMENT

Assist school districts in increasing the involvement of parents by apprising them of their rights and responsibilities and ways in which they can support the education of their own children.

STATE LIBRARY DEVELOPMENT

Develop specific regional and statewide plans for implementation of recommendations coming from the recent Governor's Conference and White House Meeting on Libraries.

SCHOOL FOR THE DEAF AND THE BLIND

Follow through on the studies begun in 1980 to set the role and mission of the School for the Deaf and the Blind for the next five years. Continued emphasis should be given to programs for parents of deaf and/or blind children in Colorado.

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